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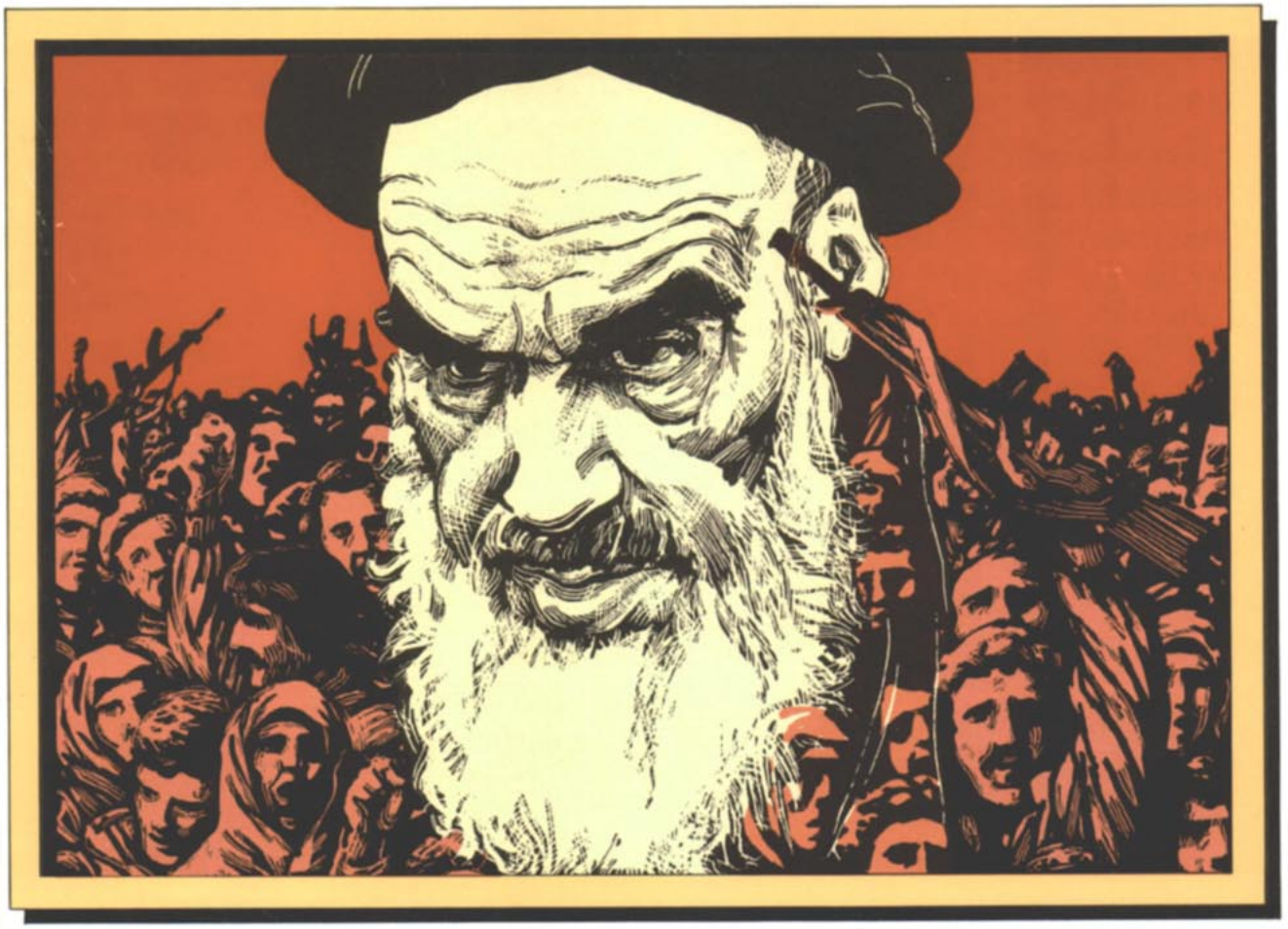
By Mansour Farhang



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APRIL 16, 1979

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RES PUBLICA

Ayatollah so

■ Close friends of the Shah of Iran say he is in a state of nervous collapse and in real danger of sliding into a more severe form of mental illness. There were reports last week in Paris diplomatic circles that the 59-year-old Iranian monarch has had circulatory problems since boyhood and that European doctors who examined him last year concluded that his brain was not getting enough blood to function properly.

—*Newsweek, Mar. 5, 1979*

Garçon, sole au margarine noire, s'il vous plaît

■ A bill to make all restaurants offer skim milk and margarine as alternatives to whole milk and butter was not meant to curdle the minds of gourmet chefs around town, a [New York] City Council committee was told. . . .

[Councilman Herbert E.] Berman said, "Many people are medically restricted to certain foods and find margarine and skim milk necessary for their diet. There are a number of eating establishments which do not offer these alternatives, and we think this should be changed."

—*New York Times, Feb. 14, 1979*

B. S.

■ A law student at the State University of New York at Buffalo who alleges that she suffers from a learning disability has sued the university, seeking concessions to help her complete her studies. Mary A. Gott said she suffered from a "specific learning disability" that makes it difficult for her to understand complex oral statements and involves a tendency to be distracted very easily by noise. She asked that she be given additional time for exams and be allowed to take them in a quiet room with an English dictionary.

Law-school officials argue that Ms. Gott, who has received three bachelor's and two master's degrees, is not a handicapped person within the meaning of the Rehabilitation Act of 1973.

—*Chronicle of Higher Education, Jan. 22, 1979*

Why not the best?

■ Rep. Abner J. Mikva (D-Ill.) contended that, while the Constitution lists qualifications of members [of the House] as to citizenship, residence, and age, it "does not say anywhere that a person has to be of good moral character or that other members should judge his moral character." Mikva added philosophically: "We can function with people of immoral character."

—*Los Angeles Times, Mar. 7, 1979*

Oy veh

■ The U. S. Department of Health, Education and Welfare said Wednesday it is investigating a complaint that the Jewish Home for the Aged in Reseda [California] discriminates against gentiles. . . .

Asked why anyone from another culture would want to live in a kosher, Orthodox Jewish nursing home where Yiddish is spoken, the Hospital Monitoring Assn.'s [Kent] Corey said:

"That's not the point. The point is that the home received public monies and they are supposed to aid the community as a whole and the community in Reseda is predominantly Protestant."

—*Los Angeles Times, Mar. 1, 1979*

Out of the mouths of babes . . .

■ A new secretary at the Council on Wage and Price Stability used to work at the HEW Office of Quality Control. She now answers the phone: "Council on Wage and Price *Control*." Colleagues try to set her straight, fearing some callers will think their worst fears are being confirmed.

—*Wall Street Journal, Feb. 23, 1979*

Shuck off

■ Women should be excluded from military registration and the draft system, Robert E. Shuck, head of the Selective Service System, told a House military personnel subcommittee. Women should be left out, he said, "until all other factors are equal, for example, until men develop the capability to have babies."

—*Los Angeles Times, Feb. 16, 1979*

Bad vibes

■ More than a dozen Leningrad taxi drivers walked off the job, not because of working conditions but because their biorhythm charts showed it was a critical day for them. The drivers got the day off yesterday on doctors' orders and will collect their pay.

—*New York Times, Feb. 16, 1979*

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The Progressive vs. the censors

Public secrets

WHEN THE FEDERAL GOVERNMENT obtained a temporary restraining order last month against *The Progressive* magazine, enjoining it from publishing an article that described the schematic design of a hydrogen bomb, many of the fair-weather defenders of the First Amendment headed for their fallout shelters.

The *New York Times*, which fought prior restraint by the government in the Pentagon papers case in 1971, cloaked itself in the black robes of judicial piousness and intoned its judgment that "under the circumstances, a week or two of enforced restraint for a monthly journal seems a tolerable price." The *Times* said this would give the judge time to consider whether he would " 'give the hydrogen bomb to Idi Amin.' " "The proper stance . . . toward the Government in such cases is one of great skepticism," the *Times* pronounced, but that august journal seemed not at all inclined to doubt the government's contention that a freelance journalist, using interviews and published sources, could teach the nuclear physicists of nations like Israel, South Africa, or Brazil something about the secrets of the hydrogen bomb.

In its haste to balance the government's right to keep its "secrets" on the same scale with the First Amendment, the *Times* neglected the central issue in this dispute: the constitutionality of the Atomic Energy Act, which prohibits the communication of "all data concerning . . . design, manufacture, or utilization of atomic weapons . . ." unless such data have been explicitly declassified and removed from the "restricted" category. What this means, in effect, is that the government is asserting the broad right to stop the publication of any information on nuclear weapons even if that information is gathered from materials already in the public domain.

The editors of *The Progressive* are rightly challenging this broad assertion of government privilege. "*The Progressive* set out to demonstrate . . . that atomic secrets are not secret at all, and that the secrecy laws tend only to thwart the public's sole defense against the ultimate weapons—'aroused understanding,' " says Samuel Day, the magazine's managing editor. To make this point, *The Progressive* sent out a reporter to investigate the "secret" of the hydrogen bomb. Says Day:

> He talked to professors and scientists in and out of the government. He went to a public library and read books and periodicals. He visited the installations where the Department of Energy manufactures the nuclear arsenal, and took the standard Cook's tour set up by the public-relations staff. He asked questions, read more, then asked more questions.
>
> At no time did he look at any classified information or secret documents. He did only what any good investigative reporter with a few background courses in chemistry and physics would have done: He educated himself from the public sources available. And after about three months he was able to deduce the principles that the government later acknowledged were the correct steps in designing a hydrogen bomb, the world's most destructive weapon and the government's most highly guarded "secret."

The issue here is whether the government, on national security grounds, has the right to stop the publication of a journalistic investigation that could be easily duplicated by any reporter who had the time, money, and interest. The government says that the *Progressive* article contains "Secret/Restricted" data. But is a "secret" that can be so readily discovered really a secret? If Howard Morland, an antinuclear activist whose scientific training consists of five college courses, can discover the "secret" of the hydrogen bomb, in what sense can there be said to be a secret at all? Indeed, the secret that Morland uncovered is that, as Day puts it, "the real purpose of the secrecy laws is to shield the weapon program not from those who might seek to injure America but from Americans who seek to protect America from itself."

However much the government tries to obscure the fact, there are no nuclear secrets. The scientific principles underlying nuclear energy are widely understood. Any nation that wishes to build a nuclear weapon can do so, provided it has the political will, the economic resources, and access to fissionable materials. Granted, this is no easy process: The cost of setting up a nuclear weapons industry runs into the tens of billions of dollars, and the engineering involved in making an H-bomb is costly and complex. But no one should doubt that the hydrogen bomb is within reach of any industrial nation willing to make the economic sacrifice to create one. The genie is out of the bottle. And now that it's out, there's no sense in trying to plug the empty bottle with the tatters of the First Amendment.

A final note: The fair-weather friends of the First Amendment are right in suspecting that *The Progressive* deliberately sought a confrontation with the government over the constitutionality of the secrecy clauses of the Atomic Energy Act. Although the government got its first copy of Morland's article from another source, Day says that "we always had it in mind to send the article to the Department of Energy to check for technical accuracy"—which he subsequently did. The editors of the magazine "were well aware" that the government might seek an injunction, but they "didn't shrink from the idea of a legal confrontation on the issue of secrecy." Day admits that *The Progressive* is not averse to publicity—"we like that"—but he denies charges that this was the magazine's primary intent. Since no one has been permitted to read Morland's article, it's difficult to judge *The Progressive*'s claim that the detailed article on the design and manufacture of the hydrogen bomb—"It's still kind of boring," Day concedes—will help opponents of nuclear weapons challenge the pronouncements of the Pentagon.

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But we're not prepared to dismiss the possibility out of hand, as did the high and mighty of the press in New York, Los Angeles, and Washington. Even if the editors of *The Progressive* have oversold the merits of their article, all true friends of the First Amendment should welcome and support their effort to strike down the Atomic Energy Act's restraints on the right to understand and discuss the most crucial public issue of our times. ❑

Hot air and aircraft carriers

Making Yemen safe for democracy

RECENT BORDER SKIRMISHES BETWEEN Yemen and South Yemen, those fratricidal neighbors on the southern end of the Arabian peninsula, have whetted the interventionist appetites of Americans who were disappointed by Carter's failure to unleash the marines in Iran. After all, they ask, what's the point of being a great power if you can't throw your weight around in every remote world crisis?

This time, according to White House aides, it's President Carter, and not just his right-wing critics, who smells blood: the same President, that is, who so wisely told us in the midst of the Iranian revolution that the United States "cannot control events within other nations" and "does not want to be the policeman of the world."

The Yemeni border war broke out on February 23. Less than two weeks later, following a White House meeting chaired by national security adviser Zbigniew Brzezinski, Carter ordered the 80,000-ton aircraft carrier *Constellation* and three other ships to steam from their base in the Philippines to the Persian Gulf. The administration has since dispatched to Yemen (our ally against the southern enemy) a team of seventy advisers and a $381.1 million grab bag of weapons including F5E fighter bombers, long-range artillery, and armored personnel carriers. Representative Les Aspin of Wisconsin observed that State Department officials "are saying that the atmosphere is reminiscent of Vietnam in 1963," with "head-spinning, gung-ho excitement" taking hold of members of the administration who at last are unleashing their weaponry. The fact that our favorite Yemeni tribesmen have never been trained to use these weapons seems hardly to matter. Credibility is what counts, not results.

But credibility with whom? The Carter administration seems to believe that by humbling the South Yemenis and the Soviets with this awesome display of political will, Saudi Arabia will be reassured. The White House has made no secret of the fact that it really aims to quash doubts supposedly harbored by the Saudi royal family as to the credibility of U. S. power and commitments in the region. And with columnists such as Jack Anderson and Joseph Kraft yapping at his heels for "losing" Iran, Carter no doubt also wants to reestablish his political standing at home.

The only problem with everybody's assumption that the Saudis now question America's will is that the Saudis say they don't see it that way at all. "Only the big powers which have global strategies speak about a security gap" stemming from the revolution in Iran, Prince Saud Faisal, foreign minister of Saudi Arabia, told a Lebanese magazine recently. He threw cold water on Carter administration efforts to draft Saudi Arabia into a new cold war against the Soviet Union. Although anti-Marxist, Saudi Arabia is not mindlessly anti-Soviet: "On the contrary we have often expressed our gratitude for the positive policy adopted by the Soviet Union toward Arab issues." The Soviets, Faisal maintained, were not such a destabilizing force as the United States made them out to be. "What in fact threatens the region and its stability," he said, "is the danger of Zionism."

These may not have been the words Jimmy Carter wanted to hear at a time when his defense secretary, Harold Brown, has been talking up the idea of forming an Egyptian-Israeli-Saudi police force for the Middle East. Carter would like us blissfully to ignore the fact that America's last "pillar" of security in the Middle East, Saudi Arabia, still vigorously opposes the Camp David accords. Until Israel withdraws from the occupied territories and recognizes Palestinian rights to self-determination, the Saudis will stint on their friendship for the United States. Their coldness was shown by the cancellation of Crown Prince Fahd's visit to the United States for "health reasons," and by their unwillingness to cooperate with the Carter administration in transferring weapons to Yemen. Yet Carter would have us believe that the United States had to intervene in Yemen because the Saudis asked us to—as if we had no choice.

Moreover, it appears that the Carter administration pulled the trigger without having seen what the target looked like. At the time Carter ordered the *Constellation* into the Arabian Sea, intelligence officials were admitting to the *New York Times* that they did "not have a clear picture of what was happening along the ill-defined border" between the Yemeni states. Tribal feuds, border skirmishes, and general lawlessness are the rule in that region. The seizure of a few border villages by South Yemeni tribesmen hardly seems to merit military intervention or to justify more talk of a crumbling "arc of crisis."

We hope, at least, that the Pentagon will find a more efficient way to transfer the arms than it did last January when it sent a dozen F-15s to Saudi Arabia to show the flag during the Iranian crisis—not that anyone was much impressed by the unarmed fighter planes. The contingent of F-15s had to be supported by at least 12 KC-135 air tankers, and the flights to and from Saudi Arabia were hopelessly delayed and complicated by diplomatic and bureaucratic red tape. The total cost of operation "Prized Eagle," according to the *New York Times*, was $10 million. Just to show the flag.

Now Carter has shown the flag off Yemen. Surely there must be better ways for an American President to express his views on minor foreign policy problems than by sending an aircraft carrier. Nixon tried that back in 1971, during the Bangladesh war, and impressed no one; although the Indians were suitably angered. We think Carter would have done better to send his views to both sides by mailgram. That would have saved the taxpayers a lot of money and spared the country further embarrassment. Aircraft carriers may be more macho, but they're all bluff. At least we hope so. ❑

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$25 billion down the drain

The strategic oil fiasco

IF THE LORD HAD WANTED US TO HAVE enough oil, He wouldn't have given us the Department of Energy." That's what the wags are saying in Washington, and as Peter Kovler shows elsewhere in this issue, in his article on the department's Strategic Petroleum Reserve, they aren't far off the mark. According to Kovler, the oil stockpile program, still years away from completion, has already turned into one of the biggest federal boondoggles in history. With construction delays, safety problems, and cost overruns that would make even a Lockheed executive proud, the reserve program, once one of Congress's pet projects, is now the subject of tough questioning on Capitol Hill.

However, in their quest to ferret out the reasons for the Department of Energy's astonishing record of mismanagement of the oil reserve, senators and representatives have neglected a question that should have been asked in 1975, when Congress approved the program with nary a dissenting voice: Does the United States really need a government-run oil reserve?

Proponents of the petroleum stockpile argue that the nation needs to squirrel away oil as an "insurance policy" against the possibility that foreign oil producers might once again try to cut off supplies to the United States, as the Arabs did in 1973. It's hard to be against the idea of insurance; that would be downright un-American. But before they buy insurance, most people ask about the price. They want to estimate whether the risk and burden of some calamity are great enough to justify the cost of protecting themselves against it.

As far as we've been able to discover, Congress never made any such calculation. Anxious to placate constituents angry about having to sit in gas lines during the 1973–74 embargo, Congress never bothered to consider whether taxpayers were being forced to pay too much for the "security" the strategic oil stockpile was supposed to afford.

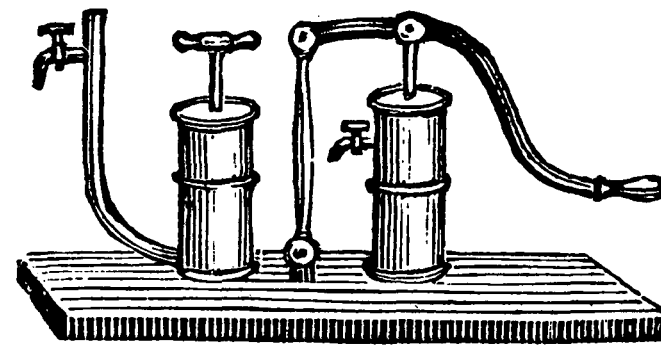
In fact, the taxpayers have been gouged. For proof, we need only consider how the strategic reserve would have operated had it been ready when revolution cut off Iran's oil exports. This is the kind of crisis that the reserve is supposed to protect us against. (Indeed, the Iranian crisis presents us with a "worst-case" situation, since the total world shortfall of oil production is now about the same—two million barrels a day—as it was during the Arab embargo.) The theory behind the reserve is that the government can draw on the stockpile to balance out any shortfall caused by interruptions in oil production abroad. Since allowing the price of oil to rise would have the same effect, in economic terms the real function of the oil reserve would be to allow American consumers to buy their accustomed amounts of oil at the accustomed price.

Is the risk of having to pay higher prices for oil great enough to justify a $25 billion expenditure for the oil reserve? Energy economists estimate that a prolonged cutoff of Iranian oil will result in a 10 percent increase in the world price of oil, approximately $1.40 a barrel above current prices. If this price increase were passed along to U.S. consumers, the daily cost of America's oil consumption would go up by $28 million. If the Iranian cutoff lasted a year, Americans would end up paying an extra $10.2 billion for their oil. That's a lot of money, but it is less than half of the $25 billion the federal government wants us to pay to "protect" ourselves from this calamity. Even a cutoff of Saudi Arabian oil, which would increase oil prices by 50 percent, would have to go on for many months before the extra cost of oil to U.S. consumers exceeded the expenditure for the oil reserve. In other words, instead of paying a small sum now to insure ourselves against a large calamity in the future—and that's how insurance policies normally work—the oil reserve program is forcing us to pay a huge sum now to insure ourselves against a crisis that would cost less than the insurance policy itself.

Don't we need insurance against possible interruptions in oil supplies? Yes, we do. But what many people forget is that we already have that protection, in the form of commercial inventories of oil products held by the energy companies. According to government figures, at the beginning of February private companies held in storage about a seventy-day supply of oil, given present levels of consumption. (When the 1973 embargo began, the companies held a 54-day supply, which means that in the intervening period the companies have added five times more oil to inventories than the Strategic Oil Reserve has.) They store this oil not out of any generous social impulse but because they wish to guarantee uninterrupted operation of expensive refining and marketing facilities. Unlike the government, however, the private companies have made some estimate of how much they should logically spend to protect themselves against the risks of an interruption in oil supplies. Unlike the government, the oil companies have presumably tried to build their storage facilities at the lowest possible cost. And unlike the government, the private companies have not saddled themselves with expensive extra charges, such as the cargo-preference provision that requires shipping much of the oil for the strategic reserve in expensive American-flag tankers.

The private companies have also built into their storage systems a feature that we should all be grateful for: pumps to get the oil out. That may seem like an obvious requirement for an oil reserve, but as Kovler points out, it didn't occur to the Department of Energy. "The plan was for maximum early storage without drawdown capability," says General Joseph DeLuca, the recently retired manager of the oil reserve. "You've got to remember that none of our planning scenarios called for an oil shortage before 1980." Says DeLuca, "In hindsight, it would have been a hell of a lot better if we'd had the withdrawal system."

In hindsight, it would have been a hell of a lot better if we hadn't started the Strategic Petroleum Reserve in the first place.



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FIRST AMENDMENT WATCH

NAT HENTOFF

Free speech: A bumpy road

THE FIRST ENTRY IN THE Bill of Rights consists of a bare forty-five words; and yet, at any given time, the nation—from its streets to its highest court—provides abundant evidence of the difficulties and confusions attendant on implementing that one resounding sentence. Some of the problems are variations on chronic conflicts (church-state, for instance). Others involve extensions of previous rulings (e.g., the rights of student journalists). And many are based on obdurate misunderstanding of both the spirit and letter of the First Amendment.

The Oregon Civil Liberties Union —by way of illustrating the continual battle against invincible ignorance— is challenging the constitutionality of a state law mandating that no history or government text selected by the State Textbook Commission "speak slightingly of the founders of the republic or of those who preserved the union or which belittles or undervalues their work." Consider what the reaction to this suppressive ordinance might have been from James Madison who, when framing the First Amendment, particularly emphasized the need for the citizenry to be able to criticize all public officials and figures, certainly including his colleagues, the founders.

In Montana, meanwhile, the feminist book, *Our Bodies, Ourselves*, has been banished from the Helena schools by the trustees of the school district. This form of censorship is not uncommon; nor is the suit filed against it, on First Amendment grounds, by the Helena Citizens for Freedom of Expression. Somewhat unusual—because it is so baldly, openly Tory—is the declaration made by a state prosecutor as he threatened to bring criminal charges against any teacher or librarian giving the book to a minor: "Americans have genuflected too long at the altar of free speech."

The state prosecutor might have been heartened, however, by the reaction of the citizens of Winston-Salem, North Carolina, to a Ku Klux Klan–sponsored exhibit of Klan icons and regalia in the city's main public library. The assistant director of the library had pointed out that *any* group with material of "interest to the public" was entitled to space. However, he acknowledged that of the hundreds of calls generated by the Klan exhibit, *all* were opposed to the library's action. "The public doesn't understand," said the assistant director, "that we don't endorse the Klan—we endorse free expression." The public didn't understand; a scuffle at the library brought about the closing of the display an hour after it opened.

During the Skokie wars, of course, the public also did not understand that the American Civil Liberties Union was not endorsing the Nazis, but rather the First Amendment. However, there are always some exceptions: Larry Little, a member of the Winston-Salem Board of Aldermen, and former head of the city's Black Panthers, supported the library's giving the Klan a visual forum. After all, he said, the library had welcomed Black Panther exhibits in the past.

On the other hand, there are blacks and feminists, sometimes allied, who believe that it is essential to obliterate "bad" expression. Especially in books for children. From this kind of advocacy of therapeutic censorship has come a decision by the Des Moines, Iowa, school board to seriously consider the recommendation of an advisory committee that 104 books be purged from kindergarten to third-grade schoolrooms as racist and sexist. The notion that it might be instructive for children to see and compare different approaches—rather than to be exposed only to the "correct" line—is scorned by progressive vigilantes, just as it is by reactionaries.

OCCASIONALLY, HOWEVER, there are First Amendment victories, even despite the opposition of a powerful governor who would like to be a great deal more powerful. One such triumph had to do not with schoolbooks, but with masks. A California statute had made it a crime to wear a mask in public. Several Iranian students who had been involved in nonviolent protest of American policy in Iran were charged with violating that law. They were defended by the ACLU, which had also introduced a bill in the state legislature repealing the statute. The repeal passed both houses, but was vetoed by Governor Jerry Brown who explained, with the fortitude of a true Presidential candidate: "This is not the year to reduce the penalty for wearing masks."

The First Amendment prevailed, though, when the state court of appeal declared the mask law unconstitutional. Said the court, admonishing California prosecutors, "The state vigorously defends a statute which, if 205 years ago the Royal Colony of Massachusetts had had . . . Sam Adams and Paul Revere, with their band of colonials disguised as Indians, might never have reached Boston Harbor. And the greatest Tea Party in our history would never have occurred. And there, unlike here, there *was* an intent to do a wrongful act." The decision leaves standing another California law that makes it criminal to wear a mask

The California mask ban would have outlawed Sam Adams before he even got to the Boston Tea Party.

NAT HENTOFF writes a monthly column on civil liberties for INQUIRY. His recent books include Does Anybody Give A Damn? *and* Jazz Is.

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It was dismaying to see the Massachusetts Civil Liberties Union so divided over Sambo's restaurant's right to keep its name.

in connection with criminal activity—like robbing a bank. What the court has recognized is that anonymous, peaceful political protest is as fully protected by the First Amendment as anonymous political speech.

Sometimes, the courts become involved in issues much thornier than anonymous political protest. In January 1979, in a little-noted decision, the Pennsylvania Supreme Court provided an intriguing variation on a previous United States Supreme Court ruling. Both cases are called *Pittsburgh Press Co.* v. *Pittsburgh Commission on Human Relations*, but the emphasis is quite different. Or seems to be.

The first, decided in 1973, concerned a Pittsburgh ordinance forbidding newspapers to classify help-wanted advertisements in columns captioned "Male Help Wanted," "Female Help Wanted." When the *Pittsburgh Press* nonetheless used such headings, the National Organization of Women filed a complaint with the Pittsburgh Commission on Human Relations. The commission ruled that the newspaper was acting illegally and must stop all sex-designated columns. Claiming that the First Amendment protected it from interference by the Commission on Human Relations, the *Pittsburgh Press* argued that exchange of information is as important in the commercial realm as in any other, and so commercial speech should not be distinguished from any other kind of speech. The state had no right to censor its editorial columns, and it should have no power over its want ads.

By a 5-to-4 vote, the High Court decided against the newspaper. While certain kinds of commercial speech might be protected by the First Amendment, it said, these particular ads were in direct violation of a Pittsburgh law. Segregation by gender in the want ad columns of the *Pittsburgh Press* must end.

In dissent, William O. Douglas insisted that the First Amendment does cover commercial speech and so, the Pittsburgh law itself is illegal because it censors the press. And Justice Potter Stewart warned: "So far as I know, this is the first case in this or any other American court that permits a government agency to enter a composing room of a newspaper and dictate to the publisher the layout and makeup of the newspaper's pages. This is the first such case, but I fear it may not be the last . . . If government can dictate the layout of a newspaper's classified advertising pages today, what is there to prevent it from dictating the layout of the news pages tomorrow?"

THIS YEAR, WHEN THE Pittsburgh Press and the Pittsburgh Human Rights Commission clashed again, there was a new twist. Back in the help-wanted pages, the *Press* had been accepting "Situations Wanted" ads from prospective *employees* in which, for reasons of their own, some gave their race, religion, or sex. The Human Rights Commission protested that this kind of information violated the state's Human Relations Act, which bars such advertising to avoid discrimination in employment.

This time, the Pennsylvania Supreme Court agreed with the newspaper. The law, it said, applies to employers, not to individuals who have a First Amendment right to say what they wish about themselves. They are "proposing commercial transactions —their own employment—that are not illegal." (Some of the actual ads: "White woman desires day work, office cleaning." "Born again Christian with Bachelor's Degree . . . seeking work with Christian business organization.")

But what if an employer bent on discrimination saw these ads and thereby knew exactly whom not to hire? He could find out anyway, said the court, "simply by scheduling a pre-employment interview or by requesting submission of a résumé."

The state court's decision may indicate that it saw the United States Supreme Court's ruling in the original *Pittsburgh Press* case as an unwarranted intrusion into speech, albeit commercial speech. After all, as Mr. Justice Douglas had said, if it were proved that an employer had established a pattern of discriminating by race or sex or whatever, an action could then be taken against him under the nondiscrimination law. It was not necessary, or constitutional, to diminish the First Amendment in an attempt to *prevent* such illegal action on his part. That is, the First Amendment rights of both the newspaper and its advertisers should have prevailed over the statute.

An intriguing battle over another kind of commercial speech, connected by some with racial discrimination, has been taking place in Massachusetts. There, as in other states, a restaurant chain named "Sambo's" had been irritating many blacks and quite a few whites because the restaurant's name, they allege, is racist. (Echoes of *Little Black Sambo*, a book that censors who consider themselves egalitarian have been trying to remove from school libraries.)

A group of civil rights activists urged Massachusetts Attorney General Francis X. Bellotti to file a court action forcing the restaurant operation to cease and desist from using the name "Sambo's." On what basis? Because it is so insulting to blacks that it discourages their patronage of the restaurants and is thereby a violation of Massachusetts' public-accommodations law. In his argument, Bellotti insisted that a sign saying "Sambo's" is equivalent to a sign saying "No Blacks Allowed."

However, as Harvard law professor Alan Dershowitz has pointed out, "blacks are, of course, allowed in Sambo's; indeed, none has ever claimed exclusion or actual discrimination. Many blacks—as well as some whites —simply *choose not* to patronize a restaurant with a name that is deemed offensive."

THE NOTION THAT ANY sign—no matter whom or how many it offends—should be erased by the state is wholly contemptuous of the First Amendment. A sign is speech. It is not surprising that some civil rights activists do not under-

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stand this, for they are no more attuned to full civil *liberties* protections than are reporters or Internal Revenue Service agents or supermarket managers or any other group. But what is dismaying about the "Sambo's" furor is that the Massachusetts Civil Liberties Union, its board divided on the issue, did not file an amicus brief opposing the attorney general's move to expunge the signs. A brief was drafted, but somehow, the Massachusetts CLU missed [*sic*] the filing deadline. The national office of the ACLU is somewhat mortified, but has not said so publicly.

An ACLU affiliate may sometimes duck a First Amendment issue, but that's nothing compared to the astonishing constitutional ignorance of some judges. William Raspberry in the *Washington Post* has told of an order by Judge Frank Placzek of the Hampton County Probate Court in Massachusetts that tramples on the speech and religion clauses of our foremost amendment. When Wayne Felton was married, he and his wife were members of the Congregationalist Church. They are now divorced and he has become a Jehovah's Witness. On his court-ordered visits to his daughters, Fenton has been given to reading the Bible with them and discussing religion, presumably the doctrines of the Witnesses. "He was [also] confusing them by telling them there was no Santa Claus, no Easter Bunny, no Tooth Fairy, and I had told them there was," his former wife adds.

She complained, and Judge Placzek ordered Fenton to stop reading the Bible and sharing his particular exegeses with his daughters. If Fenton does not obey the court order and censor himself while with his children, he will lose his visiting rights. The mother, accordingly, is free to limit their religious intake entirely to Congregationalist tenets. In one blow, the judge has violated Fenton's free-speech rights, as well as his right to freely exercise his religion, while also allowing the ex-wife, with state support, to "establish" a religion.

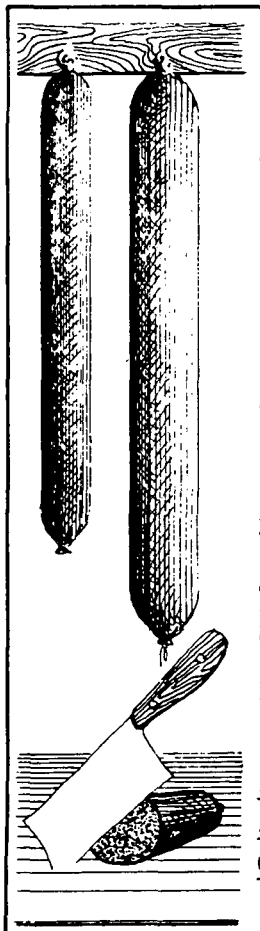
While free-speech losses do occur in some places, there are advances in others. The rights of student journalists, which have become considerably strengthened in court battles, now extend in at least one state to the possession of official press cards (an indispensable aid to the gathering of much news outside the school). After the American Civil Liberties Union and the Student Press Law Center in Washington threatened to sue the state of Arkansas for violation of student journalists' equal-protection rights, the students got their press cards. They're stamped "student press," but they will provide access to various events, and they're a start toward full recognition of students as "working journalists," with full First Amendment protection.

*IN THE MEANTIME, SO SUC-*cessful have been many of the suits brought by student journalists to combat censorship by high-school administrators that a school attorney, Allen Schwartz, advised administrators at a recent meeting of the National Organization on Legal Problems of Education to let student editors and reporters alone. "The First Amendment," he noted, "is a powerful tool, and school officials won't win many cases." It's clear by now, he added, that students have the right to criticize the administration and otherwise to present political views.

Even if the paper is wholly subsidized by the school, Schwartz cautions, "the state is not the unrestrained master of what it creates." That is, once a school sets up a paper, the paper becomes a First Amendment forum, with constitutional protections for its writers and editors. So, "even if they're a burr in your side," says Schwartz, "let them be." Sure, administrators can try to move in on questions of obscenity, defamation, or an article that may "substantially disrupt or materially interfere with school activities." But each time, the burden is on the administrator to prove, even legally define, those categories.

The First Amendment rights of students, Schwartz concluded, are a large element in the general expansion of students' legal rights, and "only in extreme cases would I challenge them."

His accurate assessment of the legal odds against school administrators with a yen for censoring reflects a rather remarkable change in the consciousness of both students and judges over the past ten years. And it is the most encouraging long-range omen for the future of the First Amendment. As Ben Bagdikian, a most judicious reporter and journalism professor, has put it: "If freedom of expression becomes merely an empty slogan in the minds of the young, it will be dead by the time they are adults." ❑



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MEDIA

PHIL STANFORD

Roots and grafts

SINCE DECEMBER 14, WHEN he signed an out-of-court settlement agreeing to pay $650,000 and admitting that "various materials from *The African* by Harold Courlander found their way into his book *Roots*," Alex Haley has been busy trying to explain what happened. "Like so many who've made it big—financially as well as professionally—" he wrote in the March issue of *Playboy*, "I've become a sitting duck for lawsuits." The problem, as he told an interviewer for *Newsweek*, was that he was another victim of "a rising phenomenon, the number of lawsuits against successful authors by those who are less successful." Or, as he put it somewhat less graciously (in an interview for the *Washington Star*), Harold Courlander was a "writer who had a target of a writer who made it very, very big."

Without a doubt, Alex Haley has made it very big. In the two-and-a-half years that have elapsed since the publication of *Roots*, Haley has won a Pulitzer Prize, earned several million dollars, and, not least of all, become a cultural hero. It is also probably true, as Haley has been telling everyone, that it's tough at the top, and perhaps it would be petty for the rest of us to begrudge him a measure of sympathy for his new-found wealth and fame.

However, our sympathies should not blind us to the fact that Haley's statements about the possible motives of people who might wish to sue him simply beg the real question. As the saying goes, anybody can sue; but not too many come away with $650,000. When he discusses his travails, Haley is fond of pointing out that before Courlander's case came to trial, another author of a book about black history, Margaret Walker, sued him for plagiarism. Haley contested that suit and won. The question is this: Why was Alex Haley willing to pay so much money to have the suit by Harold Courlander dropped?

In the *Newsweek* interview Haley explained his reasons for agreeing to the settlement this way: "*Roots* is one of the major symbols of hope and pride for a whole people and I didn't want to see it get scarred by implication and innuendo." Shortly after the settlement he told an audience in Sacramento, California, that he did it because he couldn't stand to see his book "cut down and ridiculed."

Just what Haley means by these statements is a bit puzzling. By the time Haley, through his lawyer, proposed to settle Courlander's suit out of court, the trial was in its sixth week. Both sides had concluded their arguments, and all that remained was for the opposing lawyers to present their summaries. Each side was to have three hours for its summation, so the trial would have been over in a day. Under the rules, no new evidence could be introduced; all the damaging innuendoes and implications that Haley says he feared had already been made part of the public record.

Haley could have averted all of this unpleasantness by agreeing to a settlement at an early stage of the trial. Instead, he waited until the trial was over, except for the lawyers' summations—and the judge's verdict. (Haley and his lawyers had not asked for a trial by jury.) Clearly, at this point, the people Haley says he was seeking to protect would have been best served by a favorable verdict. In fact, a not-guilty verdict for Haley, clearing him of all suspicion of plagiarism, could only have raised their hopes and enhanced their pride in his book and in themselves. Yet after nearly six weeks of a rough-and-tumble trial, Haley chose not to wait another day and a half for the verdict. The question remains: Why did Haley decide to settle?

The African

[The hunter's] senses must be burning. He must hear what the farmers cannot hear. He must smell what others cannot smell. . . . His eyes must pierce the darkness.

THERE IS NO DOUBT THAT material from Courlander's book appears in *Roots*. Early in the court proceedings Haley himself admitted three such instances. In one instance Courlander and his lawyers had obtained, through pretrial discovery, a manuscript page with verbatim passages from *The African* stapled to it. The passages, with some slight alterations, had been incorporated into the published version of *Roots*. In the other two instances there was no evidence from notes, but the similarities were just as undeniable. The following passages are an example:

The African

[Hweshuhunu] drifted into wakefulness again. He felt his father's presence in the darkness. He reached out his hand, but there was nothing to be felt.

Roots

One night when Kunta had fallen asleep but drifted back into wakefulness . . . he lay staring up into the darkness. . . . Feeling around him, in some strange way, the presence of his holy-man grandfather, Kunta reached out into the darkness. There was nothing there to be felt. . . .

Haley's admission of these three instances was embarrassing perhaps, but not legally decisive. To establish copyright infringement the plaintiff must prove not only that the defendant copied, but that he copied substantially. In his suit, Courlander contended that Haley had not only copied or paraphrased eighty-one passages from *The African*, but that much of the first

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sections of *Roots*, dealing with Kunta Kinte's life in his African village, his capture, and his journey aboard a slave ship, had been modeled on *The African*.

In some of these instances—which, it should be kept in mind, Haley never admitted—the copying seems obvious. One example is Haley's description of the lice Kunta Kinte was forced to endure on board the slave ship:

The African
[The lice] worked their way into the hair and the body crevices. They crawled on the face and drank at the corners of the eyes. . . . The hands lay poised waiting for the sensation on the skin. If the fingers caught the predator, it was killed between the fingernails.

Roots
[The lice] were worst wherever the body crevices held hair. Kunta's armpits, and around his foto, felt as if they were on fire. . . . But the lice preferred to bite him on the face, and they would suck at the liquids in the corners of Kunta's eyes or the snot draining from his nostrils. He would squirm his body, with his fingernails darting and pinching to crush any lice that he might trap between his nails.

Another such example is Haley's description of the special abilities Kunta Kinte had developed as a hunter in Africa. (As it happened, Courlander's protagonist had also been a hunter in his native Africa.)

The African
[The hunter's] senses must be burning. He must hear what the farmers cannot hear. He must smell what others cannot smell. . . . His eyes must pierce the darkness.

Roots
The hunter's senses must be fine. He must hear what others cannot, smell what others cannot. He must see through the darkness.

Some of the other instances of copying alleged by Courlander are equally apparent; some of them are subject to interpretation.

As the judge, Robert J. Ward, said midway through the trial, "Copying there is, period." The only issue left to be decided, he said, was whether substantial copying had occurred. Because Haley and Courlander settled out of court, we will never have a legal determination on that issue. Common sense, however, tells us that Haley would never have agreed to pay Courlander $650,000 unless he had feared that the judge's verdict would be even more costly, either in money or prestige. If any doubt remains on that score, it is only because Haley's admission of guilt—that "various" portions of *The African* "found their way" into *Roots*—is so vague.

*TO THIS DAY, HALEY IN*sists that he is guilty of using only three passages from *The African*, and these, he says, were all copied inadvertently. Haley says he simply doesn't know how it happened. As he told the court, the "best honest explanation" he can give is that someone must have copied the passages on a piece of paper and slipped the paper into his hands during a lecture tour. "[T]here were very few occasions," Haley testified, "when in the midst of a reception . . . that some several people would not at some point or other just come and kind of say, 'Here's something of interest to you, I think. . . . It might be anything from a 3x5 index card which might contain the name of a book and author. It might be something they had Xeroxed. It might be something in longhand . . . and by the time I got home I would have a considerable accumulation of volunteered materials from diverse people." Once he got home, Haley said, he would dump everything into a box, and later he would sift through it to see if there was anything he could use in his book.

Roots
The hunter's senses must be fine. He must hear what others cannot, smell what others cannot. He must see through the darkness.

And to this day, Haley insists that he has never read *The African*—that, in fact, until he was sued by Courlander, he had never even heard of the book. Haley's statements on this point have been categorical. The following is from the pretrial memorandum submitted by Haley's lawyers:

The defendant, Haley, will prove at the trial that he did not have knowledge of or access to *The African* at any time prior to or during the writing of the novel *Roots*.

Another pretrial document makes the same assertion:

The book *Roots* was originated and written by defendant Haley without access to or knowledge of *The African*.

These statements, coupled with the evidence presented by Courlander and his lawyers in their pretrial documents, struck the judge as "amazing." "You see," he told Haley's lawyer during the early stages of the trial, "as you build up the length, the breadth, the scope of the man's research, it becomes less believable that he never saw this book." To continue to make such a claim, the judge warned, could only make him question the rest of Haley's case, "as far as credibility is concerned."

Haley and his lawyers, however, were undeterred, for when Haley took the witness stand, under oath, under questioning by his own lawyer, the following exchange occurred:

Question: When did you first hear of *The African*?
Haley: In the spring of 1977, in connection with an article that appeared in the *New York Times*.

That, of course, was the year following the publication of *Roots*. (*The African* had been published in 1967.) If Haley's answer is truthful, it is difficult to see him as a plagiarist. At worst, he might be considered the victim of his own careless research methods. If, on the other hand, he was lying, he is guilty, at the very least, of perjury.

NOW THAT THE TRIAL IS over, Haley is at work on another book called *Search*, which is to be the story of the twelve years he spent researching and writing *Roots*. According to news accounts, it will be finished later this spring. However, before Haley sends the final manuscript off to his publisher, he would do well to recall a name that until now has not surfaced in any discussions, in or out of court, of Haley's research: For the sake of accuracy and thoroughness, he may even want to mention the name—Joseph Bruchac III—in his new book, for if what Bruchac says is correct, he played a rather significant role in the story Haley will be recounting.

Bruchac, 36, is employed by Skidmore College in Saratoga Springs,

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New York, where he is the coordinator for the college's Without Walls program, an extension program for prisoners. He says he is uneasy about saying what he has to say because he realizes that it might have far-reaching implications. Perhaps that is why he did not come forward during the trial. "My own concerns are with the Third World," he says. "I'm part American Indian myself. I thought it would be very unfortunate if this became a scandal. But as a writer myself, I was shocked to see someone having used someone else's work—or at least appearing to use it—without giving proper credit, and so I felt I had to say something."

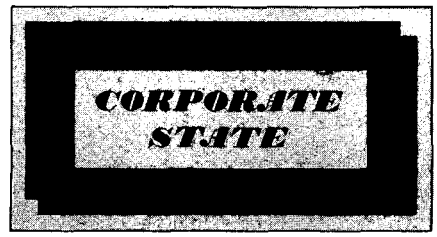
At the time, Bruchac says, he was an instructor in black and African history at Skidmore. He had recently returned from three years of teaching in West Africa, he says, "so it would be sometime in the winter of 'seventy or 'seventy-one that Alex Haley came to lecture at the college." (A check of the records of Haley's booking agent places that visit at January 22, 1970.) Haley's lecture was about a book he was working on at the time, about his search for his ancestors. Its working title was *Before This Anger*.

"I was very impressed," says Bruchac. After the lecture there was a reception, and Bruchac sought out Haley. "We sat down and talked, and in the course of our talk I mentioned the book to him." Bruchac recalls that he felt that Haley's knowledge of the "African experience" was rather weak, and so he suggested to Haley that he should read *The African*, which Bruchac had been using as a text in one of his courses. "He seemed very interested," says Bruchac.

Haley seemed so interested, says Bruchac, that Bruchac left the reception, drove to his home three miles away, and got his own copy of *The African*. "When I got back we talked some more about the book and then before I left I gave it to him. I said something like, 'Here, you can keep it,' and Haley said 'Thank you.' I even think he said, 'I'll read it on the plane.' "

Of course, Bruchac has no way of knowing whether Haley did, in fact, read *The African* on his trip home. However, he is quite certain that he discussed *The African* with Haley at some length, and that he gave Haley his personal copy of the book.

The suit has been settled but the issue is not closed. ❑



PETER KOVLER

The strategic petroleum rathole

AFTER THE ARAB OIL embargo in 1973, American leaders vowed that the United States would make itself independent of foreign sources of energy. But today, five years and several billion dollars later, the Strategic Petroleum Reserve, the cornerstone of the federal government's energy program, is a shambles. Designed to put 500 million to 1 billion barrels of oil into an emergency reserve that would protect the United States from another embargo, the petroleum reserve program has so far managed to pump only a small fraction of that amount into the ground. Thanks to astonishing cost overruns and spectacular mismanagement, the reserve, once held out as the "answer" to America's "oil crisis," may share the fate of the electric car and oil shale as ideas whose day has come and gone.

The reserve was initiated in December 1975, when Congress unanimously approved the program as part of the Energy Policy and Conservation Act. The idea was to buy oil from diversified foreign sources and store it in underground salt domes in Louisiana and Texas for an emergency. Under the auspices of the former Federal Energy Administration—now part of the Department of Energy—sites were located, cost analyses were prepared, a team of experts was assembled, and Congress was asked to appropriate billions of dollars, a task it performed cheerfully and uncritically.

Today, there are congressmen who wish they had looked a little more closely at the charts, maps, and diagrams that FEA officials carted up to Capitol Hill each year at appropriation time. Assured that the reserve would be ready by now to handle interruptions of oil supplies, many in Congress discovered during the Iranian crisis that the program had put only 70 million barrels of oil into the ground. This figure falls far short of the promises of the last two administrations. Under Gerald Ford, the FEA had planned to have 150 million barrels stored by December 1978 and 500 million by 1982. When the Carter administration came to town, this schedule was stepped up. Acting on the advice of FEA chief John O'Leary and energy adviser James Schlesinger—the Department of Energy had not yet been formed—Carter set new goals of 250 million barrels of oil in storage by 1978, 500 million by 1980, and 1 billion by 1985. If the current shortfall of 72 percent had not raised a few eyebrows in Congress, another problem might have: Because the pumps for the storage sites are not yet in place, the 70 million barrels of oil already in the ground are out of reach.

For the first time, members of Congress are asking questions about the Strategic Oil Reserve, and the Department of Energy has more excuses than a philandering spouse. "This target of 250 million barrels in store by 1978 anticipated smooth operations of all aspects of the program," an Energy Department official wrote last October to a congressional appropriations subcommittee. "However," he admitted, in a classic understatement, "the program has encountered a number of obstacles." Among those he listed were technical problems, "unanticipated construction problems," and delays in securing environmental and construction permits.

Although the Department of Energy tries to duck the blame, in fact the failure of the reserve is the result of its own spectacular mismanagement. The most alarming sign of this bungling has been a series of cost overruns worthy of a defense contractor. In a 1976 report, the FEA estimated that the average cost of construction and land acquisition for salt caverns and mines would be between $1.38 and $1.65 per barrel of stored oil. Last year, however, the Department of Energy was telling a different story: "Storage facilities costs are now expected to be higher than the original estimation," it re-

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ported blandly. "Based on actual design and construction and real estate costs to date, the Department estimates that facilities will cost approximately $3.00 per barrel." In short, the department now expects that the final cost of preparing storage sites will exceed its estimates by more than one billion dollars.

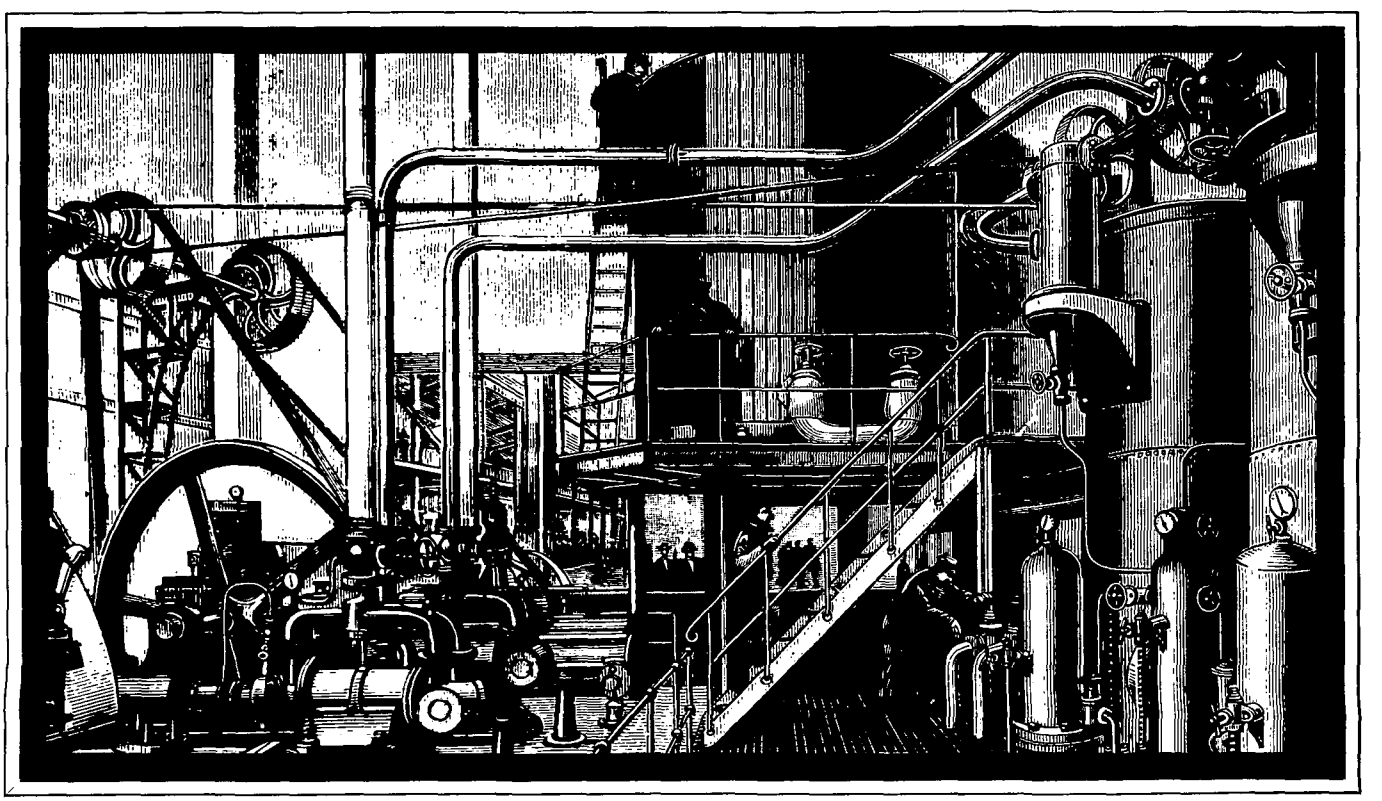
Again, the Energy Department offers a list of excuses. It blames greater-than-anticipated rises in construction costs, "incomplete price estimates based on partial conceptual designs," and the accelerated pace of construction, which it says required more overtime pay and temporary facilities. But according to most close observers, overruns could have been avoided. The House Energy and Power Subcommittee believes—as do some taxpayers in Louisiana, where many of the sites are located—that the department considerably overspent in buying the necessary property. Thomas Noel, a former FEA administrator who used to reassure congressional committees about the program's progress, now scoffs at the department's explanation that it has run into technical problems; he points out that there is no new technology involved in the program. And it is hard to give much credence to the claim that the accelerated pace of construction has pushed costs higher, since the reserve has not even met the targets for which the original estimates were made. Even General Joseph DeLuca, head of the program until he stepped down last month, grudgingly concedes the department is the source of its own woes. "Even though the conceptual design was in line with then current trade thinking," he says, "it was faulty. There was no vision."

TO DISCOVER JUST HOW little vision the Department of Energy has had, consider the case of the Weeks Island mine. This storage site, located on a deserted island lying off the Gulf coast, was supposed to have been filled with oil in January 1978. But last December, the colossal cavern still stood dark and empty, looking like a subterranean mountain range from Jules Verne's *Journey to the Center of the Earth*. Why was the mine unfilled? Department officials explain that they didn't know they would have to disassemble all the construction equipment into packages, four feet by eight, to be carried down in the mine elevator.

The department seems also to have neglected the environmental consequences of the petroleum reserve. Sounding like the executives of a corporation accused of polluting, the program's managers seem particularly miffed at the environmental regulations they have to observe. They are suffering, they say, from government interference. Their ire is directed at officials of the Environmental Protection Agency and the state of Louisiana who are concerned about the brine that the department is pumping from the storage sites. Fishermen on the Gulf coast have been afraid that the brine would destroy the shrimp they depend on for their livelihood, and environmentalists have been worried about the consequences of dumping millions of barrels of brine on the state.

As it does with each federal project, the EPA reviewed plans for the reserve. In the end it ordered that the program build brine-disposal pipes extending twelve miles into the Gulf of Mexico, instead of the six miles the department had planned. It also required the department to drill deep wells into which the brine could be injected. According to DeLuca, these requirements delayed the project, and the schedule was further disrupted when the wells backed up, unable to handle the volume of brine being pumped in. Department officials say that this particular delay cost $3.5 million in demurrage—money the government had to pay to rent the oil tankers that could not unload their cargo. But while the department blames this added cost on environmentalist pests, the truth is that the project failed to design a pollution-free system or anticipate normal administrative procedures.

The disregard for normal procedures



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had spectacular and tragic consequences last fall. On the afternoon of September 21, there was an explosion and fire at the West Hackberry, Louisiana, storage site. One man was seriously injured, and died. The fire burned for five days, consuming 30,000 barrels of oil worth about half a million dollars at old OPEC prices. The estimate of overall loss was $12 million.

Many department officials say that this kind of fire happens all of the time, but a committee set up by the department to investigate the accident came to another conclusion. The committee blamed the fire on "inadequate attention to critical safety problems." It said that proper procedure was not followed and the site lacked equipment and plans for an emergency. The in-house report admitted that "deficiencies in management" by the department "may have contributed at least indirectly to the accident," and that program managers may have let "getting-oil-in-the-ground" override safety—at the cost of a life.

There may be other accidents waiting to happen. In a report last August, the General Accounting Office questioned the safety of certain salt caverns and mines: "Tight time constraints coupled with the complex and technical nature of the program have resulted in the Department's taking actions without adequate analysis to assure that risks are minimized," it explained. "For example, the Department is planning to store oil above where mining operations are scheduled to begin in 1980, even though the Federal agency responsible for mine safety has said that serious or disastrous safety hazards to the miners and the oil storage area could result."

In the face of such mismanagement and neglect, employees of the program are justifiably dismayed. Morale has plummeted. "When we came on board to do the job," says one high-ranking official of the program, "most thought it would be a bright spot on their records. People worked extremely hard, seven days a week and 12- or 16-hour days. But the only reward has been criticism because the program is behind schedule. Others perceive us as a failure and as screwed up. That's tough for a staff to take.

"So," he continues, "there are no psychological rewards, nor are there the financial rewards we could get in private industry. The result is morale is very low. Most of the good people in the program want to get out. The career civil servants want to particularly get out because they don't see it as good for their careers. Many are under pressure from their families." Of the 147 on board in December 1977, over fifty have left. "The normal attrition rate," he notes, "is 5 percent. But to have one-third leave is a disaster. Also, you won't have good new people because no one in the department wants to go to work there. A program like this has got a reputation."

IN SPITE OF ITS BAD TRACK record, the oil reserve still has defenders in Congress and at the Department of Energy. The reserve is an "insurance policy," they say; in case of another oil embargo, having the reserve would decrease the likelihood that the United States would have to go to war to assure a steady supply of oil. It would give several months of "breathing room." Moreover, the program's supporters argue that with the reserve in place, OPEC would be less likely to try another embargo.

General DeLuca offers an additional rationale. "Look at the situation we have with Iran now," he says. "With a capability to withdraw during this kind of interruption, we're safer. Also, no matter how sharply the prices may go up, that oil becomes ours and oil prices will always go up. At worst, it could be a worthwhile investment for the government."

Undaunted by the reserve's problems, DeLuca has tried to straighten out some of the difficulties he inherited when he took over the program last August. His most innovative idea is to ask Congress for permission to let industry store at least 250,000 barrels on a "turnkey" basis. This would mean that industry would prepare and fill the sites, then turn them over to the government. To those who have watched the program the proposal is somewhat surprising, since four years ago the FEA rejected any involvement of the private sector. Now, having seen how much difficulty the Department of Energy has had collecting its own oil, Congress too is more favorably disposed toward the idea.

DeLuca has also moved to decentralize the program by strengthening the field headquarters in New Orleans and dismantling the staff in Washington. Such a change, DeLuca and others believe, will not be mere bureaucratic juggling but will demonstrate a new commitment to improving oversight and getting better contracts. Says DeLuca, "I've had to be a little rough with some of these people around here but I told them either they have to go to New Orleans or they can't work here. We don't need a hundred people in Washington."

Despite DeLuca's efforts, the future of the program is in doubt. For two years the Office of Management and Budget has tried to severely cut the budget for the oil reserve. For fiscal year 1978, the Department of Energy wanted several billion dollars, but the budget office said the department should have $10 million to study how best to have the program in working order two years hence. For fiscal 1979, the struggle was so fierce that Energy Secretary Schlesinger reportedly had to have a special meeting with the President to get him to overrule OMB. Last fall, OMB was at it again: The budget office wanted the reserve cut to 750 million barrels to save approximately one-fourth of the $25 billion the program will eventually cost.

This time, it looks as if OMB has come out on top. In his budget for fiscal year 1980, Carter has asked for only $8 million in new appropriations for the reserve, a sum so paltry that it looks like the petroleum reserve may have been "reprioritized"—to use the lingo of the bureaucrats. However, there may be a catch. The Department of Energy has asked approval to "reprogram" into its construction account the sum of $733 million appropriated in the current fiscal year for oil acquisition. This would require authorizing legislation. Last October, when the department requested a similar reprogramming, Congress refused. "The request represents a cost overrun of $312 million in facilities for the first 500 million barrels and $138 million in additional funds for the third 250 million barrel increment," the House Appropriations Committee complained.

Whether Congress will approve the request this session is still unclear. No longer a sacred cow, the Strategic Petroleum Reserve is getting close scrutiny from Congress, and even such a strong supporter of the reserve as Senator Henry Jackson has chided Schlesinger for not having created a workable program. Until the Department of Energy can convince Congress that it is better at pumping oil into the ground than pouring money down a hole, the future of the Strategic Petroleum Reserve will be doubtful. ❑

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Eye witness report: THE REVOLUTION IN IRAN

BY MANSOUR FARHANG

THE SHAH IS GONE AND THE WORD Ayatollah has entered the revolutionary literature of the world. On the eve of the shah's departure, I watched the people ceremoniously demolishing his majesty's statue. The next day, in Behesht Zahra Cemetery where the shah's victims are buried, I saw mourners shedding tears over the graves of their loved ones. A woman who was placing flowers on the grave of her 22-year-old son told me: "I would have given my other son to have the tyrant prosecuted, but one son for his expulsion is not a high price." Portraits of Dr. Ali Shariati and Ayatollah Khomeini have become symbols of the revolution; they decorate public places and living rooms, street corners and the makeshift stores at Behesht Zahra Cemetery. Xerxes the Great Hospital was renamed Dr. Ali Shariati Hospital, in honor of the revered revolutionary Shii theoretician [*INQUIRY*, Nov. 13, 1978]. The lobbies of the hospitals became headquarters for distribution of revolutionary literature and meeting places for the voluntary committees in charge of caring for the families of the dead and wounded.

Between the fall of Prime Minister Sharif-Emami last November 6 and the disintegration of the military on February 11, there was no political authority in Iran: Ayatollah Khomeini represented the moral power of the revolution, and the military possessed the instruments of coercion. Civil disobedience, strikes, and demonstrations were the principal methods of the revolution. The peaceful, voluntary, and decentralized use of these methods during the struggle was unusual in the history of modern revolutionary movements. When did the leaders of a revolution ever ask their followers to kiss a tyrant's armed men and shower them with flowers? Schools, universities, government bureaucracies and public agencies, shops, factories, and petroleum facilities were all shut down. There were no police in the streets; the police stations were closed and guarded by the soldiers. The only business transactions involved food and a limited amount of gasoline and kerosene. And yet, people were cooperative, determined to carry on the struggle to the end. They all had one nonnegotiable demand: the destruction of the monarchy.

The shah's forces were not nearly so united. They had no sense of being a cohesive governing body. The upper-echelon decision makers, including the generals, were insecure opportunists in perpetual rivalry with one another. The shah wanted it this way. He was always on guard against the development of political ties among his associates. He manipulated the size, composition, and behavior of the cliques around him so that they posed no threat to his rule. The elites, in turn, copied the shah's manipulative method in dealing with their underlings.

The practice of divide and rule gave the regime an appearance of stability so long as the challenge to the status quo came only from the intelligentsia. But once the active opposition became widespread the regime could not hold out, because the men surrounding the shah, including the generals, were too weakened by corruption and too divided to defend the regime. The generals could prevent the opposition from coming to power, but could not exercise political authority. In the absence of any effective central administration there could be no military coup, since coups are engineered against established political authority. The military could prevent the opposition from coming to power, but it could not exercise political authority.

The shah decided to leave the country when he realized that the soldiers were not shooting at the people. On Sunday, January 26, I heard the continuous sound of automatic weapons for three hours in Bist-o-Chahar Esfand Square, and thought that thousands of the demonstrators had been gunned down. A visit to the hospitals and the cemetery to obtain an estimate of the casualties showed twenty-eight killed and fewer than a hundred wounded. I was convinced

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that the gunfire the day before was mostly in the air.

For twenty-five years the United States and the shah worked together to "clean" the Iranian army of any independent moral or political concern. Thousands of officers who seemed to have doubts about the ends of military power were either executed, fired, or retired. But participation in the revolution was so pervasive that the shah's generals were still fearful of officers and soldiers having contact with friends, neighbors, and relatives. A young lieutenant told me: "My brother, sister, and sister-in-law are active in the movement. My neighbor's son was killed in the Black September shootout and my fiancée's cousin, a university student, has just been released from prison." Why was he in prison, I asked. "For purchasing illegal books," he replied. "My situation is not unusual. Many officers are in similar predicaments."

As for loyalty within the military, he said, "The officers are filled with fear. There is very little loyalty to the military institutions. The institutions are not ours. The shah and his generals trust the American advisers more than they trust us. They are so corrupt and careless about our sensibilities. They only rely on fear and material reward to keep us in line. Once the fear is gone, there is little else to make us obey the top commanders." When the shah left, the pervasive fear went with him; from then on it was just a question of time before the soldiers and the young officers would say "no" to the generals.

Compromise was no more successful at saving the shah than was military power; all of his symbols had to go, even Shahpur Bakhtiar, whom the shah appointed prime minister in January. Bakhtiar was the only semitragic figure of the Iranian revolution. He had a decent record of opposing the shah's tyranny, but he failed to realize that the popular opposition had become a revolutionary movement. The issue was no longer adherence to the constitution, but destruction of the monarchy.

If he had recognized this, he would have resigned immediately after the shah's departure, as some of his old friends urged. Instead, he decided to defend the constitution and base his legitimacy on the vote of the parliament—the same parliament he himself had once described as a house of puppets. Bakhtiar never understood that he was being used by the shah, and that his appointment was intended to prolong the vacuum of political authority in order to break the resistance of the people. In the end there was nothing for him to govern; the entire administrative apparatus of the country was shut down.

THE POPULAR REVOLUTION IN IRAN should not have come as such a surprise to Western leaders. The realities of Iran under the shah were not concealed. Even a quick reading of Iranian history would show that the people have an old and rich tradition of resisting tyrannies; that all of Iran's popular political heroes were killed or imprisoned by ruling monarchs; that the confrontation between the absolute monarchy and liberalizing forces had been going on for a hundred years; that the monarchy was defeated in 1911 and 1953—only to be restored by a Western power (England in 1921 and the United States in 1953); that between 1953 and 1977 more than fifteen thousand opponents of the shah were gunned down by the army—about two thousand of them officially executed; and that during this period more than half a million Iranians served time in prison for their opposition to the regime. It might

Under the shah, two thousand Iranians were executed and half a million jailed for their opposition.

have been deduced from these facts that the Iranians were not going to be indifferent to Henry Kissinger's designs on their lives and resources.

No, Americans did not lack accurate information about Iran. Rather, its leaders lacked an understanding of a people who have long been exploited and oppressed by their rulers, assuming instead that Iran was nothing more than the shah, and thus his satisfaction was all that mattered in the relations between the two nations; also, that the Iranian people lacked the capacity for authentic rebellion, and thus their collective actions against the shah must have been instigated by a conspiracy. Conspiracies can be stopped if they are detected in time. Thus, what the government officials and the media actually mean by "failure of intelligence" could best be described as the failure to uncover the conspiracies that fueled the revolution.

If the Iranian revolution was a conspiracy, then it was a remarkably decentralized and voluntary one. The *bazaaris* and the progressive upper-middle-class elements paid their alms to those mullahs who were actively committed to the revolution. For the first time in Iranian history, almsgiving was generous, widespread, and overtly political. Strike funds were set up across the country to take care of the workers' essential needs. The families of the dead and the wounded were assisted by volunteer groups working in cooperation with religious leaders. After every shoot-out in the streets, there were long lines at the hospitals to give blood, and always more than enough donors.

This was the first revolution whose "conspiracy" was publicly communicated over the phone. Statements issued by Ayatollah Khomeini in Paris were read on the phone to a cassette tape recorder in Tehran, and within hours, as the messages were spread across the country through an informal telephone tree, millions of people poured into the streets. In the neighborhoods without telephones, the word was spread by door-to-door contact and, appropriately, by gatherings in mosques.

In fact it was Iran's religious authorities, more than anyone else, who were the nerve center of the revolution. The estimated 200,000 mullahs in Iran constitute the only nongovernmental group who are in touch with the populace. The mullahs receive their formal education in the theology schools of Qum, Mashhad, and Tehran. They invariably come from rural and lower-middle-class backgrounds. They live modestly. There is no formal hierarchy. They live in major cities, and in the most remote and backward villages of the country. Their duties include preaching, teaching, public speaking on religious occasions, performing marriage ceremonies, counseling, and occasional arbitration of personal conflicts.

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In Islam no agent or agency mediates between man and God. An individual Muslim is free to judge his or her own actions and intentions. Thus, a particular religious figure may earn the deference and admiration of the mullahs through his popularity with the general public, his exemplary life style, and academic productivity. An Ayatollah (literally meaning the sign of God) is a learned and popular mullah whose distinctions have been recognized by his peers. Ayatollah Khomeini personifies the traditional qualities by which Iranians have judged popular resistance leaders—perseverance and *taghva* (integrity, simplicity, and modesty). During the years of his leadership in exile, he demonstrated a superb understanding of the Iranian people and an astute recognition of the moral emptiness of the regime in power.

The widespread politicization of the mullahs was ignited by the decision of SAVAK in the mid-1960s to use the resources of the religiously endowed lands to reward the religious supporters of the shah and withhold financial assistance from his critics. It had long been customary to use the resources of the religious foundations for charitable purposes, including scholarships for needy theology students. This development, combined with the revival of the Shii thought as a revolutionary ideology, created an unprecedented unity of interests between the mullahs and the radical-progressive intelligentsia. It was this unity that facilitated the nationwide participation of the populace in the revolutionary struggle. Only the mullahs could speak the moral language of the people and relate to their sensibilities; only the mullahs could transform their dissatisfaction into revolutionary demands and aspirations.

Islam has long been misunderstood in the West, where popular perspectives portray life under Islam as dogmatic, mysterious, irrational, unchanging, and ultimately inferior. When the Muslims of Africa and Asia met European colonizers with physical and cultural resistance, European scholars and government officials perceived this lack of enthusiasm as a sign of backwardness or barbarism, which reinforced the distortion.

Contrary to the Western view, Islam embodies an intricate complex of legal/theological schools and an extraordinary diversity of ideas, rituals, and practices. The history of Islam during the past century has been a story of revival and readjustment. Because of its *Ijtahad* doctrine, the right of reinterpretation in matters of theology and law, the Shii school of thought is particularly adaptable.

Muslim thinkers are free to question established notions in the face of new realities, inspired by such well-known sayings attributed to the Prophet as, "seek knowledge, even unto China" and "the ink of the scholar is more sacred than the blood of the martyr."

Iran's rebels were less vengeful than were the American, French, or Russian revolutionaries.

A segment of the Iranian intelligentsia, particularly the Marxists and socialists, object to the word Islamic and prefer a "democratic republic." But a "democratic republic" would have no appeal to the sensibilities and ethical norms of the Iranian people. It is ironic that the Marxist left wants to deny the Iranian masses the most important symbol of belonging to the new body politic. If Iran is going to establish a genuine democracy, the moral language of its constitution has to be Islamic. By making Iran an Islamic republic, the Iranian people will, for the first time, identify with the political authority of their society.

WHAT IS TO BE RESOLVED IN the immediate future is the method of government and the extent of mass participation in it. In a recent lecture on the Iranian national radio, Ayatollah Taleghani, one of the most popular and learned leaders of the revolution, reiterated once again that respect for cultural and political diversity is an integral part of the Islamic republic. Ayatollah Khomeini's repeated expression of support for democratic values, involving both justice and freedom, was proven beyond doubt when he chose Mehdi Bazargan to head the provisional government. Bazargan's commitment to democracy is impeccable. For thirty years he has eloquently urged a combination of concern for equity and individual freedom in Iran. His personal life is an impressive example of moral courage. Most of his cabinet members are older men who have gained the respect of the Iranian people through years of struggle against the shah's tyrannical regime. Although expression of support for democracy before one comes to power is no guarantee that democratic practice will follow, it is, nevertheless, significant that there is nothing in the views or personal histories of the men in charge of the provisional government to create doubt about their commitment to institutionalize a democratic order in Iran.

A major challenge for the leadership of the revolution will be to reconcile the heightened—and often conflicting—aspirations of the people with the realistic limits of democratic politics. In a country with no real democratic tradition, veterans of the revolution may become disillusioned by the slow rate of change. This challenge is particularly acute in the immediate postrevolutionary period when the people are impatient for revenge and for preventive steps against counterrevolutionary plots. The Iranian revolutionaries have been far more restrained toward loyalist elements than were their American, French, and Russian predecessors. Nevertheless, the question of how to respond to instances of summary revenge has caused tension between the liberal-minded Bazargan, who favors the rapid institutionalization of law, and the harsher young men in the revolutionary councils.

The most immediate dilemma for the revolutionary regime is the question of what to do with the state power. The old state apparatus was completely centralized, inefficient, alienating, and corrupt. Islamic political doctrines, on the other hand, emphasize the decentralization of state power and the importance of community in the everyday life of the people. The revolutionary movement of the past year was remarkably decentralized. Ayatollah Khomeini was the unchallenged moral leader, but there was no national organization to manage the affairs of the revolution. There were hundreds of local committees performing public tasks ranging from formation of food co-ops, aiding the striking

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Millions of women who participated in the revolution are now demanding emancipation.

workers, and caring for the wounded. Every neighborhood mosque was a revolutionary headquarters as well as a place of worship and public speaking. It remains to be seen how the new government will utilize this revolutionary spirit of community involvement in decentralizing the state apparatus.

TWO OTHER KINDS OF ISSUES, CULtural and economic, divide the supporters of the revolutionary regime. Cultural issues range from the content of the elementary school curriculum to the question of what to exclude from television programming. Economic issues relate to the extent of government involvement in the national economy and how to rectify the injustices of the old regime. These controversies are complicated by the fact that some of the cultural conservatives are economically radical and some of the economic conservatives are culturally radical.

The Marxists, at least, do not constitute a significant political force in Iran. Their supporters and sympathizers are limited to a small segment of the middle class—mostly university students—and a few thousand workers in the urban areas. The so-called Marxist influence among the oil workers is more a figment of the Western press than a reality. When the revolutionary government urged the people to end the strikes the oil workers went back to work without delay, and oil exports have resumed.

The myth of the Marxist influence among the oil workers is a remnant of the 1951–1953 period when the Tudeh party, Iran's Communist party, was an important force in the oil workers' union. The dependency of the Tudeh on the Soviet Union and its repeated betrayal of Iranian nationalism have made it one of the most despised political entities in the modern history of Iran.

The Fedayeen Khalq (people's self-sacrifice guerrillas) is a Marxist group that has so far remained independent from Moscow and Peking. The Fedayeen, who are mostly young and middle-class, gained the respect of many Iranians during the period of guerrilla action against the shah's regime. But at the present time they do not constitute a significant political force. Their analysis of the society and their conception of what is to be done are morally and culturally alien to the vast majority of Iranian people. The Marxists could become a serious contender for power only if the Islamic movement fails to change Iran for the better.

In the social realm, conflicts are sure to arise over the role of women. In the West, the participation of women in the revolution was badly misunderstood. For the first time in Iranian history women of diverse class and educational status joined in a political struggle. When the mass demonstrations began in mid-1978, many progressive women (mostly middle- to upper-middle-class) *chose* to appear veiled to show their solidarity with the traditional women (mostly lower- and working-class) who have been wearing the veil for centuries. That choice was also a symbolic rejection of the culture of the shah's Western allies, with its *Vogue* version of the proper feminine look.

More significant than the veil is the politicization of millions of women, and not only by participating in demonstrations. Thousands of women were involved in managing food co-ops, working as hospital volunteers, and assisting the families of those gunned down in the streets. Such revolutionary experience will contribute to the emancipation of Iranian women. Several activist women have commented on this question.

Dr. Poorun Shariati, a specialist in French literature and wife of the late Ali Shariati, observed: "The politicization of Iranian women during the past year is dramatic, but let us not forget that it was about ten years ago when the women began to play a part in the movement. Women were executed by the shah's regime for their political beliefs. There were thousands of political prisoners during the 1960s and 1970s. We are indebted to those courageous sisters who fought with their brothers during the most repressive days of the shah's tyranny. Our struggle for equality did not begin with the recent demonstrations and it will not end with the establishment of the revolutionary order."

Mehri Dastmalchi, a homemaker who has been politically active for a decade: "This revolution is changing the relationships between husbands and wives. Men and women, young and old, go to the demonstrations together and they talk about the revolution all the time. I work twelve hours a day. I am a member of a committee in charge of assisting the families of the revolutionary martyrs. Some days my husband cares for our children while I am away on committee assignments."

Dr. Parvin Boroumand, an activist who did her graduate work in educational psychology at the University of Pacific: "It is sad that Americans do not see the positive contribution of this revolution to female emancipation. Of course, Iran is a male chauvinist society. There is nothing new about that. It is absurd to think of the shah's propaganda as an indication of his interest in female emancipation. Seventy-five percent of our women are illiterate. If Americans care about our plight, they should support us. We will have to continue the struggle for equality. The revolution has taught us to have faith in our strength."

Ayatollah Khomeini's moral influence can, in the short run, reduce the tension caused by the conflicting visions of Iran's future, but the issues involved in the conflicts are too fundamental to be settled without popular participation. Ever since the collapse of the military, clusters of political groups, both inside and outside the Islamic movement, have been propagating their views and trying to organize adherents. The election of the constituent assembly, scheduled to be held within the next three months, will provide the first opportunity to test the relative strength of the active groups. The political personalities of the resistance movement, particularly the older and more respected ones, will greatly influence the outcome of the elections. But for the first time, political power in Iran will reflect popular sovereignty and majority rule. After 2500 years of living under tyranny, Iranians seem to be moving toward democratic politics. ❏

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The Pentagon and congressional hawks have mounted a major drive to reinstitute draft registration and revive conscription.

MARCHING TOWARD THE DRAFT

By TOM CONRAD

FOR MORE THAN TWO generations, the draft was an inescapable fact of life for millions of young Americans. It sent thousands to their deaths in Europe and on Pacific islands, in Korea and Vietnam, and it shaped the attitudes and careers of thousands more. Many heeded its call. Some avoided it; others confronted it by resisting. But until Richard Nixon ended the draft in 1973, no one could ignore it.

Now, top military strategists and leading congressmen are conspiring to reactivate the Selective Service System and introduce a program of youth registration as the first step toward reinstating conscription. The move back to the draft is profoundly significant: At a time when détente is under fire, the effort to revive the draft is a conspicuous show of strength by the more hawkish American policymakers. And it is the military establishment's most decisive bid since the end of the Vietnam War to reassert its control of the lives of citizens.

Officially, the Department of Defense has espoused the concept of the all-volunteer force enthusiastically, but in the back corridors of the Pentagon the idea has never had the full support of the military establishment. A large part of the military lobby—notably the veterans' and reserve officers' associations—criticized the new system from the start. Former Army Chief of Staff William Westmoreland called for a renewal of the backup draft lottery in 1973, and other officers, from all quarters within the military, have been free with their criticism.

Within the last year, the fragile consensus favoring the all-volunteer force has further eroded. Although the Pentagon still officially supports the volunteer system, Defense spokesmen are setting the stage for a step-by-step reintroduction of the draft. Late during the last session of Congress, General Louis Wilson, commandant of the Marine Corps, appeared before a Senate panel and called for a rejuvenation of the Selective Service System and reinstatement of draft registrations. He was the highest ranking official to date to call on the government to reactivate Selective Service. General Wilson, who at that time had only a few months remaining on the Joint Chiefs of Staff, was apparently set up to test the political waters. His proposal was generally well received on the Hill but hardly noticed elsewhere.

Since then, the military has gradually become bolder. It was less than coincidental that three weeks later, General David Jones, chairman of the Joint Chiefs of Staff, announced on a weekend talk show that the JCS had proposed a plan of national registration and compulsory physical exams for American youth. The Joint Chiefs don't go on national TV to announce every recommendation they make to the administration. The fact that they chose such a conspicuous forum in which to publicize the new proposal suggests that they had been given a green light to go ahead. Since the Joint Chiefs' feeler, the secretary of the army, in a widely publicized address to the Phoenix Urban League, has come out in favor of reinstating draft registration.

One of the major architects of the plan to bring back the draft is Senator Sam Nunn of Georgia, the powerful chairman of the Senate Armed Services Subcommittee on Manpower and Personnel. According to Senator Nunn, "The volunteer force came about not on the basis of good analysis but on the basis of a political decision that was made by the executive branch —and endorsed by Congress—that would buy time for Vietnam, cool the campuses and take the heat off. I think it has been a real national mistake." Nunn is not alone.

The congressional armed services committees have always been ill at

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There appears to be no really serious effort underway in

ease with the volunteer system, and many other ranking members besides Nunn think that the volunteer force should be viewed as a temporary experiment rather than a permanent fixture. In 1977 and 1978 the House Armed Services Committee called for a resumption of draft registration and classification. The legislation it proposed foundered, as did the proposed budget increase for Selective Service that had been recommended by the President. Last year's bid in Congress to reinstate registration was defeated, but it reopened the national debate and laid the groundwork for this year's crusade to bring back the draft.

TO KICK OFF THIS YEAR'S congressional debate, the chairman of the House Armed Services Committee, Melvin Price of Illinois, issued an alarmist statement about the draft on January 4, just before the 96th Congress convened. Price decried what he called the Selective Service System's lack of readiness and claimed that the agency would not be able to call up enough conscripts in case of an emergency. Price contends that a weak Selective Service is "an unacceptable risk to national security," and he promised a prompt examination of the all-volunteer force early in the new Congress.

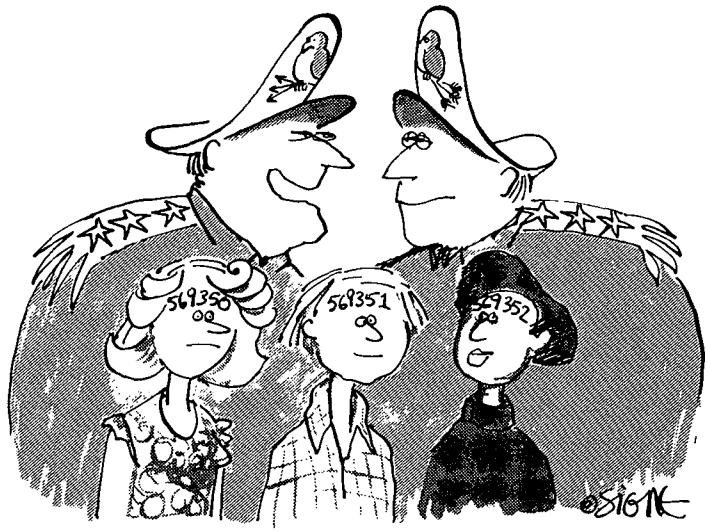
In mid-February, the House Armed Services Subcommittee on Military Personnel held the first hearings on the status of the Selective Service. The Senate followed suit a few weeks later. Those who had held out any hope that the hearings would produce a balanced discussion were disappointed. In his opening remarks, Representative Richard White of Texas, the chairman of the subcommittee, made it clear that the panel would push for a much bigger role for Selective Service. Token opposition was allowed—two witnesses spoke against the draft—but from the start, the hearings were orchestrated to emphasize those who favored bringing back draft registrations.

None of the witnesses at the hearings were strangers to the subcommittee. Among those who testified was Major General Francis Greenlief of the National Guard Association, who is a hard-liner on the draft. Greenlief pressed the subcommittee to reinstate registration for young men and women at age eighteen, resume physical exams and classification for males, and draft some young men into the Individual Ready Reserves.

The panel also heard from a representative of the General Accounting Office. Pending resolution of the draft debate, the GAO has urged Congress to direct the Selective Service to compile a list of military-age youth from sources such as tax records, driver's license lists, and social security records "as a fallback mechanism to improve its capabilities of responding in a national emergency." In order to implement such a plan, a statute would be needed to exempt the Selective Service from the Privacy Act. Just such a measure has been introduced in the House by Charles Bennett (D-Fla.) and in the Senate by Robert Morgan (D-N.C.). But the Selective Service is likely to face stiff opposition from critics who contend that a plan of this type would in effect create a nationwide identification bank, which Congress has rejected in the past.

Representative Sonny Montgomery of Mississippi used the House hearings to unveil new draft legislation which he is proposing to Congress this year. Montgomery's bill, HR 2404, provides for sweeping increases in Selective Service operations, including compulsory registration of young men and women. Montgomery also calls for a national lottery and classification of prospective conscripts. As a step toward full resumption of induction authority, the bill requires Selective Service to draft up to 200,000 people per year for mandatory reserve training. Similar legislation has been introduced by other members of the House and Senate.

There appears to be no serious effort underway to stop the move to reintroduce registration. Senator Barry Goldwater of Arizona, a longtime critic of conscription, bailed out last year and joined the draft crusade. "I think we are going to wind up with a draft whether we like it or not and it is time now to start working on it," he told Congress last year. When Representative William Steiger died recently, the House lost one of its most ardent Republican opponents of the draft. Representative Les Aspin, the liberal from Wisconsin, does not favor compulsory inductions, but he has come out for resuming mandatory draft registration. Other liberals who don't want to be identified with the draft proposed compulsory national service. One proposal for national service, advanced by Congressman Paul N. McCloskey of California, involves a two-tiered system of either military or civilian work for all American youth. McCloskey's bill, HR 2206, cloaks mandatory regis-



"This time we don't anticipate any problems spotting non-registrants."

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trations in a guise designed to be appealing to liberals who have qualms about a military draft but have no objection to forcing young people to "do good" for the nation.

IT IS NOT YET CLEAR whether the Cold Warriors can stampede Congress into reactivating the draft in some form. But even if Montgomery and McCloskey fail this year, the threat would remain. Few people realize just how simple it would be to reactivate the Selective Service System and launch a mass registration. The Selective Service Act of 1967, which is the basic draft law, is still on the books, ready to be implemented. So is the conscription machinery, which is maintained by a staff of a hundred at Selective Service headquarters in Washington and in ten regional offices. A simple announcement from the President and some additional funding are all it takes to bring back registration. And a registration exercise of the simplest sort would cost a fraction of some of the other major defense programs on the Pentagon's drawing boards. By Selective Service projections, it would take approximately $17 million to register the nation's 18-year-old males—mere pocket change by federal standards.

If opposition to a proposal as far-reaching as Montgomery's mounts, the draft crusaders may decide to reinstitute conscription gradually, bit by bit. The proposal that is most likely to pass is the one that appears the most innocuous. A program of low-key national registration for young people, like the one proposed by the Joint Chiefs, looks harmless. However, *any* move toward the draft would provide momentum: A program of registration would almost certainly be followed by a national lottery drawing. Once the government has identified a pool of prospective conscripts, physical examinations and classification activities would follow, and the Selective Service bureaucracy would grow. Reinstating induction would be the final step. The bureaucratic advantages of this scenario are obvious: It is incremental, noncontroversial, and entails a series of "administrative actions" designed to evade—as far as possible—public scrutiny and opposition.

Unlike other military programs, however, reintroducing the draft requires the acquiescence of virtually every young man, and probably every young woman, in the country. Resuming conscription would also involve a wide range of civilian institutions and community leaders who would be expected to create favorable attitudes toward the draft and encourage young people to submit to it. Indeed, the Pentagon has shown signs that it is already worried that not everyone will go along with a new draft. This winter it released a major study, *America's Volunteers—A Report on the All-Volunteer Armed Forces*, outlining several possible scenarios for bringing back the draft. The study reveals that the Pentagon expects strong civilian resistance to the draft, resistance it is concerned to overcome.

For example, the Pentagon worries that even a minimal program of peacetime registration—presumably the least objectionable plan under consideration—would encounter difficulties. "Enforcement is a key issue in peacetime registration," says the Pentagon report. "If most young men registered, then costs could be low and enforcement could be ignored except for isolated instances of flagrant violation such as public display of resistance. Should the registration meet widespread resistance and strict enforcement be ordered, costs could be very high." This study predicts that the introduction of registration plus universal aptitude testing for young men and women may be "resisted by a large section of society."

Among the alternatives considered in the study is a program of screening and physical exams for up to 300,000 youth, but, according to the Pentagon, a program of this type "increases the potential for resistance." The study also discusses a plan to induct up to 100,000 youth into the reserves, as provided by Representative Montgomery's current bill. A plan of this type, says the Pentagon, is "subject to resistance by some sectors of society. The degree of that resistance is not clear. The experience of the late 1960s, with widespread civil disobedience and emigration to avoid induction, raises the specter of serious social consequences. The fact that many of the counselors and other opinion-makers for today's youth participated in that resistance adds to the concern."

The Pentagon's worries are not totally unfounded. Opposition to the draft is already taking shape. A clearinghouse has been set up in Washington with the support of several religious and peace organizations, and some of these same groups have founded a national Committee against Registration and the Draft. Brethren, Mennonites,

"It's one of those tunes you've got to be over 30 to really enjoy."

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and Quakers are starting their own campaigns, and other denominations are sure to follow suit. Local committees to stop the draft are forming in Baltimore; Philadelphia; Washington, D.C.; Eugene, Oregon; and the San Francisco Bay area.

One of the most conspicuous portents of the return of the draft is the escalation of Selective Service operations during the last year. The Selective Service is asking Congress to restore $1.7 million in funding that the agency had requested for the current fiscal year. For fiscal year 1980, the administration wants to increase the Selective Service budget to $9.8 million. This is not enough for a registration program. The President has said that he would reinstate inductions if necessary, but he has not taken a public position on registration.

Selective Service may be betting on the passage of legislation mandating registration. During a recent interview, Selective Service Director Robert Shuck revealed that the agency would "pre-position" registration materials at sites around the country if Congress approved the requested increase in funding for fiscal year 1979. Like the Department of Defense, the Selective Service is eager to avoid the turbulence associated with the draft during the 1960s. In order to preclude the possibility of trouble at the time of registration, the agency has streamlined the registration procedure as much as possible. According to current plans, conscientious objector claims and other requests for deferment, such as hardship, physical problems, or divinity studies, would not be considered at the time of registration. The only legal opportunity for conscientious objectors to make a claim will come at the time of a national mobilization. In the event of a call-up, war objectors would have only ten days after receiving their induction notices to apply for CO status.

THE *OFFICIAL RATIONALE* behind the drive to reintroduce the draft brings to mind other artificial crises—the "bomber gap" of the 1950s, the "missile gap" of the 1960s, and the Tonkin Gulf incident that Lyndon Johnson used to justify expanding the war in Vietnam—that were concocted to dupe the public into supporting dangerous military initiatives. This time the Pentagon claims we have a "manpower gap" that will prevent us from mobilizing quickly enough to win a war aginst the Warsaw Pact in central Europe. Nearly all the impetus for resuming registration can be traced back to the Defense Department's new mobilization requirements of October 1977. At that time, the Pentagon imposed a new wartime delivery schedule on the Selective Service which the agency said was the "most demanding and urgent" it had ever had. Until then, the Pentagon expected the first inductee at 110 days after mobilization and 100,000 new soldiers after 150 days. The military now expects the first inductees at about 30 days after mobilization and 100,000 after 60 days. By more than doubling the replacement delivery rate, the Pentagon is asking for a quick-reaction capability that the Selective Service would not be able to meet. Juggling a few figures on paper creates a new "need" that the hawks are using as a pretext for ushering in the draft.

One solution to the "manpower gap" is for the U.S. to give up its practice of policing the world.

In addition to increasing its mobilization requirements, the Pentagon may also be exaggerating the liabilities of the all-volunteer force. The Defense Department has loudly announced that the four services achieved only 90 percent of their month-end enlistment quotas during the last quarter of 1978, an announcement that some critics say was timed to kick off this year's drive to bring back the draft. By contrast, the Pentagon was somewhat less eager to reveal that, because of higher than anticipated reenlistments, the armed forces ended the fiscal year with 2000 more people in uniform than the budget called for.

Even if the Pentagon has exaggerated its problems, the all-volunteer force, at the current high levels of staffing, does face serious difficulties. Morale is low and drug use is on the increase. The annual attrition rate for recruits in their first term ranges from 30 to 40 percent. The situation is likely to worsen as the supply of available enlistees dwindles over the next few years. The impact of the military's manpower requirements on American society will be more visible over the next decade than ever before. If the Pentagon keeps its troop strength at the projected levels it now says it needs for 1985, it will have to attract more than half of the qualified 18-year-old males who are not bound for college or vocational schools. Faced with a sharp drop in the supply of recruits, the Pentagon expects a shortfall of 95,000 enlistees for 1985.

The real problem here is not the volunteer force, but the Pentagon's staffing levels. In a rare moment of candor, one official recently admitted in a Pentagon study that "a small standing army has been the American way except in times of national emergency. However, there is nothing small about the current armed force." At present, the United States has 2.1 million men and women on active duty, 800,000 in the Selected Reserves, 300,000 in the Individual Ready Reserves, and 50,000 to 100,000 in the Delayed Entry Program. Over 30 percent of the 772,000 soldiers in the army and 16 percent of the 191,000 marines are permanently garrisoned abroad to project American power around the globe. The United States maintains more than 300,000 troops in Europe alone; President Carter has sent 16,000 additional troops there since he took office.

The other obvious solution to the "manpower gap" is for the United States to stop its practice of policing the world, reduce its military commitments, and demobilize its overseas units and bring them home. The U.S. policy of global interventionism is the basis of the "need" for a draft. Although some citizens would probably accept the return of the draft, during the later stages of the Vietnam War the majority rejected it, and are probably still opposed to it. Putting the Selective Service System on a wartime footing and subjecting young people to government intrusion and channeling will not help us sleep better at night. These measures will only foster the further militarization of our society and once again engage the government in social engineering on a massive scale. Reinstating the draft will pave the way for military adventurism and make it easier to squander another generation on the battlefield. The draft is too big a price to pay for the security it is supposed to bring us.

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HERBERT HOOVER: A Public Life, by David Barner. Alfred A. Knopf, 433 pp., $15.95.

The first New Dealer

MURRAY N. ROTHBARD

AMERICANS WHO GREW UP before World War II remember Herbert Clark Hoover as the most reviled man in public life. Whenever any of the New Deal's court historians or writers tackled the history of the 1930s, the country was treated to a thoroughly Manichean interpretation of that epoch. The more historians and publicists worshipped and adored the greatness and the majesty of Franklin Roosevelt, the more they scorned his predecessor as the dour man in the high collar who tried but failed to thwart the nation's ascension to paradise. Just as Roosevelt was hailed as the compassionate friend of the common man who brought the new order of government control and planning to America, so Herbert Hoover stood in the dock as the last representative of the bad, uncaring old order of individualism and laissez-faire. Their very images seemed to symbolize their respective ideologies: Hoover, terse, unsmiling, outmoded; Roosevelt, the affable patrician with the mellifluous voice.

In the rush of intellectuals and scholars to embrace New Deal liberalism during and after the 1930s, it seemed that there was no one to even attempt to redress the imbalance. Apart from the maverick journalist John T. Flynn, there was no historian to treat FDR as anything less than (as H. L. Mencken said of Woodrow Wilson) a candidate for the first vacancy in the Trinity. As for Hoover, his defense was entrusted to a devoted crew of old reliable aides and hagiographers who would cluster around his suite in the Waldorf Towers, refer to him as "The Chief," and laud his infinite wisdom, sagacity, and lovability. Ironically, by insisting on Hoover's undying faith in individualism and voluntarism, and his opposition to the New Deal, this group of conservatives reinforced the myth propounded by Hoover's New Deal enemies.

To his credit, Hoover himself never claimed to be an exponent of laissez-faire. Indeed, at every Republican convention until his death the old man would be trotted out to give a speech that no one ever bothered to listen to: In this speech Hoover would insist that he himself was the father of numerous measures the New Deal got credit for, and he would proudly go through the list. But everyone, friend and foe alike, was too busy making myths to hear him.

There was little that historians could do to penetrate this fog, however, until Hoover's papers were released to the scholarly public in the 1970s. Before that, only friends and loyalists authorized by Hoover could do much work on his biography. But even under this considerable handicap, the light of historical truth began to penetrate the mists of the Hoover legend. Apart from such journalists of the day as Flynn and Walter Lippmann, the first historian to revise the legend was the economist Benjamin M. Anderson, who, in 1949, wrote a trenchant economic history of the interwar period, *Economics and the Public Welfare*. Anderson pointed out that, far from being the last embattled defender of laissez-faire, Herbert Hoover founded the New Deal in virtually all of its aspects.

PHOTO ©ALFRED A. KNOPF FROM *HERBERT HOOVER: A PUBLIC LIFE*, BY DAVID BURNER

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Hoover was scorned as the dour man in the high collar who tried but failed to thwart the ascent of the United States to paradise.

But Anderson went unread. Partly because much of his treatment was a personal memoir, more because he himself was an advocate of laissez-faire, he was not read by economists; as an economist he was, of course, not read by historians.

In the 1960s, however, the fresh and bracing air of New Left historiography began to hit the historical profession. Led, as in so many other areas, by William Appleman Williams, these historians pointed out, from their own particular perspective, that Hoover originated the New Deal and that he had in fact been one of the leading pioneers of the corporate state in America. Actually, to the New Left, disenchanted with the welfare-warfare state built by the New Deal, Hoover's relative voluntarism and reluctance to enlist in the great crusades of World War II and the Cold War looked pretty good in comparison. Thus, in what they took to be Hoover's emphasis on cooperation among private associations, these historians began to see a more congenial role model than in the aggressively centralist big government constructed by FDR and his successors.

SINCE THE MID-1960S, historians have been able to transcend the fierce partisanship of the first wave of Hoover studies, and they have been greatly aided in this task by the opening of the Hoover papers. We have had the thorough and insightful researches of Ellis W. Hawley, and, in 1975, the first full-length biography of Hoover to use the released papers, Joan Hoff Wilson's *Herbert Hoover: The Forgotten Progressive*.

Despite the bitter-end opposition of a few New Deal stalwarts, the revisionist view of Hoover has pretty well swept the historical profession. It is now firmly established that, far from being the last of the laissez-faire individualists, Hoover was an ardent progressive and the originator of the New Deal.

In all his years in public office—from his post as autocratic food administrator in World War I through his service as secretary of commerce under Harding and Coolidge and then as President—Herbert Hoover pushed for a corporate state system of cartelized associations in industry and agriculture, all enforced, governed, and coordinated by big government. Before the great depression struck, Hoover vowed that in any such economic crisis, he would immediately deploy the massive powers of government to end it. He put that vow into effect as soon as the stock market crashed in October 1929, and he invoked every measure that would become even more visible in the New Deal: propped-up wage rates, massive public works, heavy federal deficits, huge federal loans to shaky businesses, unemployment relief, inflationary monetary policies, etc. There was no need for FDR to install a farm price support program to combat the Depression; Hoover had already carried out his pledge to the farm bloc to establish one as a permanent fixture of the economic scene, a fixture that would generate huge and unusable food surpluses in the midst of starvation.

The major differences in current Hoover studies are over the significance of his much-trumpted "voluntarism." How different was it from the overt coercion exercised by the later New Deal? The answer is, not very much. Hoover's voluntarism was essentially a rhetorical gimmick, designed to cloak governmental coercion in a sentiment more suited to traditional American values. Hoover pioneered in one form of voluntarism in his days as World War I food czar, when he mobilized volunteer citizens' groups to snoop on neighborhood stores to enforce his price control decrees. Roosevelt's NRA built on this tradition by forcing every store to put a blue eagle symbol on its window and then recruiting neighborhood groups to help in the enforcement.

Another example of Hooverian voluntarism came right after the crash. Leaders of industry and finance were corraled into private White House conferences in which Hoover told them they had to act "voluntarily" to keep up wage rates even if profits should collapse, warning that if they failed to obey he would get Congress to force compliance. Hoover's form of voluntarism, in short, was much like the age-old system the army uses to recruit "volunteers" for unwanted jobs.

DAVID BURNER'S NEW biography of Hoover is unquestionably the best and most thorough to date. Although it only goes up to 1933, it covers all of Hoover's official public life and therefore the most important years. It is impressively researched. In particular, it provides the only full account in print of Hoover's entrepreneurial years before he emerged as a public figure in 1914. This was a period of much sharp practice quickly glossed over in Hoover's egregiously self-serving *Memoirs* and neglected heretofore by biographers.

There are numerous problems with this book, however, and the definitive Hoover biography remains to be written. Burner's viewpoint is very moderately revisionist, and moderately sympathetic toward his subject; as a result the analysis is bland and fuzzy, and the carefully judicious tone is scarcely calculated to fire the interest of the reader. And since Burner's economic insight is minimal, he often does not know what to look for, or gets confused along the way.

Thus, in creating the Federal Farm Board, the precursor of New Deal schemes to prop up farm prices, Hoover appointed leading farm group representatives to the board, and named Alexander Legge, head of International Harvester, as its chairman. To Burner this was an anomaly, and he writes in some wonderment of the altruism Legge displayed in his new job: "Although he was an important businessman, Legge's sympathy lay with the farmers," and he pushed aggressively for farm price supports. The fact that International Harvester was the country's largest manufacturer of farm machinery and therefore benefited from these supports does not seem to register with Burner.

Historians trying to justify their image of Hoover as a "voluntarist" have a difficult time explaining his role as secretary of commerce in driving through the Radio Act of 1927, which nationalized the airwaves and set up a Federal Radio Commission. This commission—which later became

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the FCC—had the right to assign and license frequencies, in this way establishing a powerful censorship over radio and later over television. The usual excuse for this crucial piece of statism is the one given by Hoover himself: There would have been a "chaos" of stations interfering with one another if the airwaves had remained in private hands.

Yet Hoover then, and almost all historians since, ignore the fact that the courts were rapidly reducing such chaos by establishing common law "homesteading" property rights in the airwaves for whichever station first used a given frequency in a given geographical area. In fact, it was precisely because the courts *were* adopting such a homesteading position (especially in *Tribune Co.* v. *Oak Leaves Broadcasting Station*, Cir. Ct., Cook County, Ill., 1926) that Hoover rushed to push through the Radio Act to prevent private rights from being established.

How does Burner handle this complex and highly important question? He does it in one paragraph. He begins by pointing out that Hoover as secretary of commerce held four annual government-industry conferences on radio regulation, and "cooperated" with industry by setting up a commercial wireless news service. He then notes the illuminating fact that Hoover worked closely with his old friend Owen D. Young, head of the Morgan-affiliated General Electric Company, to rush through "the completion" of national radio networks.

Burner could have used this fact to explain Hoover's promoting the Radio Act as a way of preventing free competition and of cartelizing radio by imposing national networks. But no. Instead, he proceeds to create confusion all around, first by claiming that Hoover "did not want the new instrument of communication in the hands of the government" and that instead he wanted industry "to regulate itself"; and then by writing in the next sentence that "the Radio Act of 1927 established ultimate public ownership and limited regulation of the airwaves" and neglecting to point out that the driving force in passing the Radio Act was Herbert Hoover. Nor does Burner so much as mention the Illinois court case nor the researches of Ronald H. Coase that brought it to light.

It becomes even more difficult to maintain a pro-Hoover stance when faced with the role of the "Great Humanitarian" (as he liked to be called) in starving post-World War I Europe, where he served as American relief administrator and President Wilson's proconsul: He threatened to and actually did withhold food from starving countries that failed to adopt the centrist governments demanded by Wilson, using food as a weapon against "reactionary monarchist" as well as Bolshevik or radical regimes.

BURNER PRESERVES HIS admiration for Hoover by minimizing the importance or extent of such practices. Thus, Hoover's forcing of the Polish-American pianist Ignace Paderewski on the Pilsudski government as premier of Poland is disposed of in a few mealy-mouthed sentences. Burner doesn't mention that Hoover did so because Pilsudski was a revolutionary socialist and Paderewski and his cabinet were Wilsonian tools; nor does he mention that Hoover won his way by threatening to withhold food from that starving country if the Poles did not accept Paderewski. And Burner says not one word about the dramatic saga in which Hoover employed Allied warships to crush the revolutionary Bolshevik government in Riga, and to impose upon Latvia the government of a particular Hoover favorite, Karlis Ulmanis, who in the thirties was to come to power again by a *coup d'état* and to impose a fascist regime.

Finally, we come, as in so many other areas of modern American historiography, to Arthur M. Schlesinger, Jr. Reviewing the Burner book in the august pages of the *New York Review of Books* (March 8, 1979), this dean of ultra–New Deal historians does not presume to stick to the old line that Herbert Hoover was a paladin of laissez-faire. (But he does refer to the recent work of the last of the bitter-enders, Elliott Rosen, in typical terms as "stimulating and combative.") Instead, Schlesinger performs a shrewd salvaging operation, in two parts. First, he plays up the associative and supposedly "voluntary" parts of Hoover's cartelizing program. Thus he stresses Hoover's one veto of a government dam while ignoring all of his previous encouragement and support for such dams. And second, he claims that while Hoover may have been some sort of corporatist, Schlesinger's hero Franklin Roosevelt was not a corporatist or cartelist at all.

No longer seen as the last of laissez-faire individualists, Hoover now looks like an enthusiastic, manipulative forerunner of the New Deal.

Heavens, no: Instead of the "business syndicalism of which Hoover dreamed," opines Schlesinger, Roosevelt took us into "a system of democratic control based on law." And so, when the National Recovery Administration (NRA) and the Agricultural Adjustment Administration (AAA)—demanded by the higher business circles—brought us the fully cartelized corporate state, and when World War II entrenched the military-industrial complex in permanent control of American life, there was nothing left to do but cheer. After all, we are the government, aren't we? It was elected by the people, wasn't it? Despite his seeming sophistication and the cleverness of his rescue operation, it's clear that in the ultimate analysis Arthur Schlesinger, like the Bourbons, learned nothing and forgot nothing.

If Hoover was the real founder of the New Deal, how did he come by his reputation as champion of laissez-faire? Because, like so many other pioneers of revolutions, Hoover was overtaken and cast adrift by the speed and extent of the changes that occurred. All his life, Herbert Hoover had pushed for cartelization of industry promoted and coordinated by government. But in 1932, in the depths of the Depression, business leaders began to call for an accelerated and more thorough revolutionary change in this direction than Hoover was willing to accept. What they wanted was the NRA, a plan that was simply too coercive and too candidly statist for Hoover's taste. The times were such that business leaders could no longer be content with the Hooverian trappings of voluntarism. When Henry I. Harriman, head of the U.S. Chamber of Commerce, came to Hoover and said that big business would support Roose-

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velt in the election if Hoover did not accept what would later become the NRA, Hoover astonished many of his progressive supporters by drawing back in horror, rejecting it, and calling it "fascism."

Edging back from an abyss that was to a great extent his own creation was perhaps Herbert Hoover's finest hour. But this trauma did not, alas, bring him any awareness of the logical consequences of what he himself had wrought. For the rest of his life, Hoover believed that all of what *he* had done to take us down the corporate-state road was wise and justified to the last iota, but that Roosevelt had gone too far in some respects. Hence much of the confusion about Hoover on the part of both the public and the historians. Even though our knowledge of Herbert Hoover has come very far since this confusion first arose, he still awaits his definitive biographer.

BRITAIN: A Future that Works, by Bernard D. Nossiter. Houghton Mifflin, 275 pp., $9.95.

Future conditional

JOHN O'SULLIVAN

THE TITLE OF THIS LIVELY polemic is a misnomer. Mr. Nossiter here praises the British social democratic experiment as a future that, far from working, lolls about on a sofa instead, dipping occasionally into a box of subsidized chocolates. Some might consider this as evidence of decline. But Nossiter regards it as a brave pioneering effort: the British choosing a civilized mixture of leisure and moderate affluence more suited to the coming postindustrial world than is the unbounded greed for material goods of lesser breeds.

Admittedly Nossiter scores some direct hits in a thesis that, for all its present freshness, the trained eye can spot as next season's liberal orthodoxy. He demolishes, for instance, the pervasive myths that Britain's economic problems can be put down to the loss of profitably exploited colonies, to a rigid class system, or to a lack of investment. Indeed, if anything, he understates his case on these points. Nuffield College's recent investigations have shown that Britain enjoys a very high rate of social mobility by international standards. Of those in the managerial and professional class only a quarter had fathers from the same social group—rather less than the proportion whose fathers were manual workers. Yet these remarkable findings received almost no publicity when they were released in 1977.

Not all the "myths" of the doomsters shatter so obligingly before Nossiter's assault, however. His chosen method is to contrast a given myth with "the facts," which, in practice, turn out to be the handiest set of official statistics. Of course, statistics are an indispensable part of any such inquiry. But they need to be cautiously treated, especially where they seem to conflict with common sense or everyday experience.

Nossiter's approach is altogether more trusting. Quoting official statistics from the *Employment Gazette*, Nossiter argues that British workers do not deserve their domestic and international reputation for being strike-happy. "The facts" show that Britain occupies a midway position in the international league listing for days lost through strikes, which, in addition, are concentrated in a few atypical industries. But no sooner was the ink dry on this complacent conclusion than the Social Science Research Council issued a report arguing that Britain's official figures seriously understate the number of strikes. No less than one-third of Britain's factories suffered from full-scale strikes in the last two years. Many strikes are simply never recorded by the Department of Employment.

Occasionally, Nossiter employs economic theory in his mythoclasm. Replying to Oxford economists Eltis and Bacon, who maintain that Britain's principal economic problem is that a shrinking private sector producing marketable goods and services has to support a growing public sector producing nonmarketable or heavily subsidized goods and services, he blithely observes: "Loss making postal, rail and air services are a subsidy to industrial producers. If they don't meet the full cost of sending messages and transporting goods . . . the manufacturers do enjoy lower costs than their foreign competitors."

But this would be true only if the loss were imposed on a service otherwise running efficiently. It would definitely not be true if the loss *reflected* inefficiency in comparison with private or foreign services. Still less would it be true if the knowledge among, say, postal workers that a loss had been budgeted for encouraged them to tolerate rising costs and inefficient practices. And the actual experience of postal, rail, and air services in Britain—compared to, say, Freddie Laker—shows that it is practically, as well as theoretically, possible to combine high prices, poor service, and a low rate of return on capital.

NOT ALL OF THE "MYTHS" assailed by Nossiter are mythical. But he is broadly correct in pointing out that reports of the British disease have been great exaggerations. Since 1945, Britain has enjoyed a higher rate of economic growth than at any time in its previous history. It is only in relation to the economic performances of other countries that Britain has "fallen behind."

This relative decline is hardly the stuff of national tragedy.

But what are the reasons for this comparative economic failure? Nossiter's first explanation, well-supported by evidence, is that the *quality* of British investment is low. But can the reason really be, as he suspects, that Britain's managers in charge of investing simply aren't up to the job? It would be a curious paradox if the most skilled capital market, namely the City of London, and the least competent investment managers were to inhabit the same economy. A more plausible explanation, which he does not consider,

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is that investment may be largely wasted because it is misdirected by the state.

More than one-third of United Kingdom industrial investment is directly determined by nationalized industries and state bodies. Much of this money is not investment in the traditional sense at all, but expenditure to preserve existing uneconomic jobs in state concerns (so that, in turn, politicians may preserve votes in neighboring marginal constituencies). Last year a sum equal to the revenue from North Sea oil was spent on such "investment" in the loss-making British Steel Corporation, British Rail, and British Leyland. Of course, not all state industries accumulate large financial losses. But a study by George and Priscilla Polanyi, published by the Institute of Economic Affairs, revealed that the average rate of return on capital in the nationalized industries between 1955 and 1966 was approximately half of that in the private sector.

Investment that is ostensibly private, moreover, is hardly less subject to government influence. Since the early sixties a large network of controls and subsidies has been constructed for the sole purpose of directing private investment away from its most attractive applications and toward "disadvantaged" regions for "wider" social purposes. Rootes Motors was thus diverted to Scotland and bankruptcy. But the wider social purposes have apparently proved generally elusive because the geographical area judged to be disadvantaged has grown steadily in extent over the last seventeen years until, today, it accounts for 66 percent of the country. Are not these various pressures for the misallocation of scarce investable resources a fairly obvious reason why the British investor, both state and private, gets a smaller bang for his buck?

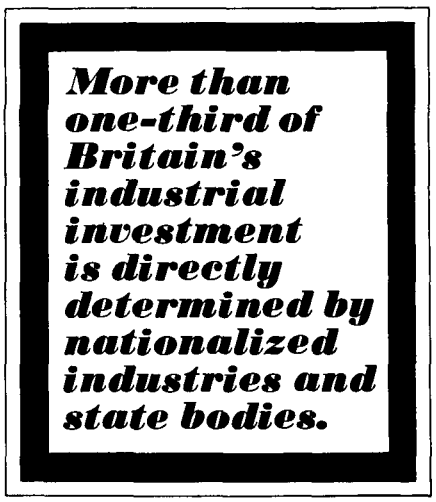
Still more questionable is Nossiter's second diagnosis: that Britain's economy is sluggishly uncompetitive because industry is unduly concentrated in a few giant firms and that, in the words of Sir John Hicks, "the best of all monopoly profits is a quiet life." In the first place the degree of industrial concentration is notoriously hard to estimate. Moreover, as Nossiter admits in a throwaway line, "it is quite possible that Germany, France and Japan are more cartelized than Britain." If so, how can Britain's degree of industrial concentration possibly account for its *relatively* poor economic performance?

Not that Nossiter is wrong to damn the British economy as sluggish and uncompetitive. He is plainly right. But it is his subtle error to assume that, because industrial concentration nullifies the textbook device of perfect competition, it must also reduce what Professor John Jewkes has called "workable competition." This real-world competition, which consists of such rules as "firms that lose money decline and those that make money grow," is often most acute and effective between small numbers of large concerns. Unfortunately, workable competition *has* been severely abridged as a consequence of official policies. Price controls restrict profits to a level judged reasonable by politicians with one eye on the voters; a policy of subsidies to industrial "lame ducks" has effectively guaranteed failing firms from bankruptcy and decline; and much else. Perhaps we should amend Sir John Hicks's words to read: "a quiet life is the only unpunished reward of enterprise."

THIS BRINGS US SUITABLY to Nossiter's principal argument. Faced by overwhelming evidence that British industry is overmanned and made deliberately inefficient by labor-restrictive practices, thus achieving with the same capital equipment a rate of productivity only two-thirds that of other industrial countries, he brightly asserts that this stems from the British workman's rational preference for leisure over more goods. This observation, commonly made by foreigners visiting Britain, cannot be dismissed out of hand. There is clearly some truth underlying it. But, on the other side, figures published by the European Community show that over a long period the British workman has worked slightly *longer* hours than workers elsewhere. It seems, mysteriously, that the British prefer to take their leisure at work.

Such an explanation, by itself, is unconvincing. Why should the individual worker decide to spend his leisure in the frustrating conditions of semi-work in a factory when he might enjoy it fully in circumstances of his own choosing? A few friendless eccentrics might wish to do so; but this preference is hardly likely to be general. Moreover, if British workers place a high value on leisure, why do they invariably resist the installation of labor-saving machinery—even when existing workers have been given a firm guarantee against redundancy? The fact is that such behavior is entirely irrational from the standpoint of individual workers and that we cannot explain Britain's industrial inefficiency in terms of a preference for leisure.

It makes perfect sense, however, from the quite different collective standpoint of labor unions and their organizers. They have an obvious interest in maintaining the maximum


More than one-third of Britain's industrial investment is directly determined by nationalized industries and state bodies.

number of jobs in perpetuity, since that will maintain the numerical strength and power of the union. If the union is based upon a craft skill, its actual survival may depend on protecting skilled jobs from the threat of replacement by sophisticated machinery. And, once established, labor-restrictive practices become part and parcel of the union's industrial power—to be defended, however irrationally, against the management's drive for profit. Nor need we speculate theoretically about this. Industries with strongly entrenched unions, like printing and the docks, actually do suffer disproportionately from overmanning and restrictive practices. The London *Times* is currently closed down essentially because of craft union resistance to computer typesetting.

But labor unions exist in all industrial economies. How is it that they cause disproportionate economic damage in Britain? Nossiter has comparatively little to say about labor unions—except the soothing assurance that they are not controlled entirely by Communists. (This is true but does not disprove their harmfulness. After all, organized crime is not controlled by Communists either.) Yet the explanation is simple. Successive British governments have given labor unions unique legal privileges. Enjoying *complete immunity* for torts "alleged to have been committed by or on behalf of the

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trade union" (1906 Trades Disputes Act), they can break contracts, libel opponents, blockade third parties uninvolved in the original dispute, and inflict all kinds of economic damage on employers and the general public with no fear that their victims will seek legal redress. With such almost medieval privileges, they are free to disrupt the economy at will.

Like the various roads that all lead to Rome, then, the various themes of this review lead to the conclusion that the principal cause of the "British disease" is a meddling government. That is not to say—as some incautious critics have done—that the British head every league listing of state intervention. But Britain is peculiar in exhibiting a high level of state intervention in almost every area. It is as if the Tory tradition of paternalistic authority had mated with Labour's ideology of Fabian bureaucracy to produce the typical British political officeholder, permanently in power—the gentleman collectivist. Nossiter has some fun pointing out, rightly, that the Swedes pay higher taxes, the Germans enjoy more expensive welfare provision, and the French have a more *dirigiste* economy. Yet the Swedes have less nationalization, the Germans less state direction of investment, the Americans pay lower taxes . . .

Nossiter deals, of course, with more than economics in this stimulating and infuriating book. On the final test of personal impressions, however, we differ as much as ever. He is entranced by the "remarkable courtesy" of ordinary English people who, in everyday transactions, address each other as "luv." But I find Americans much more polite—they urge me to "have a nice day"—and would place Britain just alongside New York on the politeness scale. He finds modern Britain a "comfortable, decent" place. But, even as I am writing this review, a trade union has begun to blockade a charitable home for aged invalids and the union organizer threatened to make the charity's name "stink." It was by no means the only recent strike against hospitals and the sick.

In short, to paraphrase a remark once made by R. A. Butler about Anthony Eden, Nossiter's book may be the best book we have by an American about the British disease—which is real and severe. Perhaps a well-informed Englishman might do better. But, since writers too are taxed through the floor, where is the incentive? ❧

THE ORESTEIA OF AESCHYLUS, by Robert Lowell. Farrar, Straus, & Giroux, 129 pp., $8.95.

Taming the furies

HUGH KENNER

IT'S THERE, OBDURATELY there, and people keep translating the *Oresteia*, till, numbed by unguided epithets, verberated by limp free verse as by wet noodles, one comes to wish they wouldn't. It's never been readably done. T. S. Eliot, even, abandoned his try; not Ezra Pound himself was able to render the Eliot version fit to be seen. Robert Browning's is a Victorian curiosity, a two-headed calf in a jar. As for Professors X, Y, Z, A, B, ...

The professors, it's easy enough to say, aren't poets; explaining the uniform failure of the poets is less easy. Pound hazarded that they went wrong in trying to retain every adjective, also in trying to preserve the Greek syntax in a language that won't map it. Thus here's Cassandra motionless outside the doomed palace, and here's as good an "accurate" version as I know, that of Robert Fagles (1975):

LEADER
I think
the stranger needs an interpreter,
someone clear.
She's like a wild creature, fresh caught.

CLYTAEMNESTRA
She's mad,
her evil genius murmuring in her ears.
She comes from a city *fresh caught.*
She must learn to take the cutting bridle
before she foams her spirit off in blood—
and that's the last I waste on her contempt!

"I think she needs an interpreter" has gotten swelled by two words; these acknowledge a noun, *xene*, stranger, and an epithet, *torou*, clear, which the English sentence simply doesn't need. It's in acknowledging a thousand needless words that an English Aeschylus dies the death of a thousand cuts.

Next, a parallel construction of Aeschylus—"fresh caught" used both of creature and of city—has been duly reproduced, at the price of reliance on italics. Then "cutting bridle," which is literal, needs (and gets) a footnote: something to break high-spirited horses.

Always we seem closer to a set of dictionaries than to the palace within the lion gates; and being unable to read the Greek proved an advantage for Robert Lowell, who in the early sixties cut and pared other translations, notably Lattimore's, to get something speakable for the stage. Here he is, everywhere right:

CHORUS
I think she needs an interpreter.
She is still like a wild bird caught
in our net.

CLYTEMNESTRA
She is still caught in her own wild
thoughts.
Hasn't she just left her burning city?
She won't be handled by her destroyers,
or take
the bit, until she bleeds at the mouth.
I'm not standing here to be stared at.

If one's criterion is an actable play, Lowell's *Agamemnon* is the best I hope to see: a grim mounting relentless outrage, starkness after starkness. Starkness means not catching the horror in nets of verbiage. Cassandra starts to scream. What house is this? Fagles:

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LEADER
The house of Atreus and his sons.
Really—
don't you know? It's true, see for yourself.

CASSANDRA
No . . . the house that hates god,
an echoing womb of guilt, kinsmen
torturing kinsmen, severed heads
slaughterhouse of heroes, soil streaming
blood—

And Lowell:

CHORUS
The house of Atreus. Surely you must
know.

CASSANDRA
No, no, this is a meathouse. God
hates these people. They have hung the
flesh
of their own young on hooks.

"To trim, cut," wrote Lowell of his intention, "and be direct enough to satisfy my own mind and at a first hearing the simple ears of a theater audience." Trimming and cutting, he didn't need to add, would leave skimpiness but for the steady exact emphasis of something Lowell had in his bones, an underlying four-beat line, perfusing English with its Anglo-Saxon past:

I greet the gods of our market-place
you above all, my road-friend, Hermes,
the lovely herald and patron of heralds.
May the spirits of the dead accept the
survivor
who was spared by the spear. Roof of
our palace,
hall of our kings, House of Atreus,
may your tribal gods who face the sun
look down with bright eyes on our King.

The old alliterative *Beowulf*-beat beneath this (spirits . . . survivor . . . spared . . . spear) stirs to life something analogously primitive in Aeschylus.

Alas, after the *Agamemnon* there commences an evaporation. The second play, *The Libation Bearers*, holds together, but only just. The third Lowell gave up on after a few pages, to resume work fifteen years later (December 1976–January 1977) when there was a possibility of the trilogy being mounted at Lincoln Center. It wasn't, and Lowell abandoned his drafts for good, not having made much of *The Furies* despite a draft seemingly complete.

It's the most difficult play to make anything of today: anything theatrical, that is, since making something historical of it has engaged the talents of, among other scholars, H. D. F. Kitto and W. B. Stanford. It is the play that celebrates the transition from vendetta to law: from kill-the-killer (and in your turn be killed) to—well, the tense ambiguities of procedural justice.

We may hazard that Lowell, who'd done time for, he said, declining to kill people, found this theme less than absorbing; may add too that his energies were waning; may surmise that the civic and religious rites in which Aeschylus invests the finale of his trilogy are irreproducible for post-Hellenes. At all events it's an anticlimactic climax Lowell settles for. His Furies, inciters to Mosaic revenge, are simply—they say twice—"the mind of the past" ("the proud heart of the past," is Fagles's less stereotyped wording).

I am the mind of the past. Why do
they treat
me so, and threaten to drive me
underground?

Here cutting and paring has left something false, since, deprived of rituals to attach themselves to, these words attach themselves to the simplest ideas in the mind of the audience. So "underground" is apt to mean into the Freudian unconscious, a bad place to drive anything. "The mind of the past" is equally penetrable to simplicity: *National Review* editorials for instance. The result, whether Lowell intended it or not, is pop cliché.

It is Aeschylus's mysterious theme that the Furies consent to their own supersession by judicial procedure in exchange for a new status. They will be the awesomeness that sanctifies law, but for whom law would be a mesh of regulations. They will be earth spirits, pressing land and people to fertility. They will be potentially terrible passions, potentially governable: the passions but for which we should be as cardboard. The trilogy ends in a ritual procession, lit by torches.

But not Lowell's trilogy, which is really over when Orestes is acquitted. Athena's dialogue with the Furies—a quarter of Aeschylus's play—is disposed of in a couple of hurried pages, in which they consent to stick around and behave because they'll have a place in things. For all the majesty we can find in this exchange, Athena might as well be dickering with the Republican party, and it's not surprising that there's no processional ending, just a brief hymn to

mild breezes airing
a landscape shot with sunlight,
human seeds, all things that grow.

This is incoherent unless you respond like *The Progressive* to words like "past" and "grow." If you don't, read Lowell's *Agamemnon* for its driving austerity, then get the Fagles volume (Viking, 1975) for its notes, its long preface, its version's careful (often overcareful) mirroring of the Greek. Work your way through the latter part of the trilogy in Fagles, to glimpse its lights; acknowledge that it takes work; and wish that Robert Lowell had been struck a second time by lightning from Zeus instead of by the heart attack that terminated his mediations between the unspoken and the speakable. ❏

GERARD MANLEY HOPKINS,
by Paddy Kitchen.
Atheneum, 243 pp., $11.95.

Christ's cunning rimesmith

GUY DAVENPORT

THE WINTER OF 1875 WAS one of ferocious gales on the English Channel. In the early hours of December 7 a German liner named the *Deutschland*, sailing from Bremen to New York, foundered and broke up on the Kentish coast. As it lurched and rolled, its keel caught in liquid sand, its decks flooded, and its passengers and crew climbed as best they could in pitch dark and howling, finger-freezing wind, into the swaying rigging. Many could not mount there and held onto the gunwales and masts until waves clawed them into the sea. Among these were five Franciscan nuns who held hands in a circle and

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Hopkins's awareness of the sexuality of man and nature is the most chaste we are likely to know.

prayed until they were drowned. A survivor reported that the tallest of them cried out at the last, "O Christ, come quickly!"

To ponder the divergent claims of this pitiful calamity on the attention of a Victorian father and son drops us into the rift between matter and spirit that so many earnest nineteenth-century sensibilities ached to close. For Manley Hopkins, Anglican, spiritual adviser to the Hawaiian Islands, and broker in marine insurance, the disaster was financial as well as a deplorable event. For his son Gerard Manley, a Jesuit who had renounced poetry along with the world, it was the signal that his love of words and worldly beauty had a place in his priesthood.

He spent a year composing "The Wreck of the *Deutschland*," as impassioned a poem as we have in English. Even now, when it is normal to expect all serious poetry to be difficult to construe, Hopkins's archaic "sprung rhythm" (a syncopation of metric that he heard in everyday talk—"do it; it needs to be done, don't it?"—and in nursery rhymes—"One, two: buckle my shoe / Three, four: shut the door") and "chiming of consonants," imitated from Welsh verse, require sharp attention to follow. To the editors of the Jesuit magazine *The Month*, where he sent it for publication, it was bewildering. They accepted it, tried tampering with it, and finally shelved it. Forty-two years would pass before the world could see it in print.

Hopkins's poems became the ward of his friend and confidant, the poet laureate Robert Bridges, who cautiously (and with much misgiving) published them in 1918, thirty years after Hopkins's death.

By then, at least, there was some comprehension of the movement afoot among philologists and poets to effect a renaissance in English diction by anglicizing the language. This movement would lead to the Early English Text Society and the Oxford English Dictionary, and would influence Hopkins, Hardy, Yeats, Pound, and many another. It was the feeling, both patriotic and aesthetic, of certain scholars like F. J. Furnivall, R. C. Trench, William Barnes, and James Murray, that English can say anything it wants to in a native way without coining from French, Latin, or Greek.

We ought, for instance, to say *foreword* rather than *preface*—it is a measure of the movement's partial victory that we now use both words. We should say *sunprint* for *photograph*, *inwit* for *conscience*, *wordhoard* for *vocabulary*. The most rigorous of the anglicizers was not Hopkins but Charles Montagu Doughty, whose allegiance to pure English in his *Travels in Arabia Deserta* (first championed by Robert Bridges) and his great unknown epic, *The Dawn in Britain*, has had a lasting impact on style—by way of Henry Green to John Updike, for one instance; by way of Joyce to Eudora Welty, for another.

Hopkins saw in this predilection for real roots, as against grafting or borrowing, the same spirit that moved him in Duns Scotus and Heraclitus.

His conversion to Catholicism, indeed, follows, as he would say, the same *instress* and *inscape*. His was not a mind for half measures or compromises. He grew up, as Paddy Kitchen shows us in this commendably brief biography, in a thoroughly Victorian world. It was a world of decreed hierarchies, it recognized only a world-design of its own making, and rejected all that did not conform to its sense of comfort, wealth, or propriety.

THE OXFORD TO WHICH the young Hopkins was sent to be made into a Victorian gentleman was, as it turned out, a try-pot for rendering minds of susceptible plasticity into various contending idealisms. As we know from Geoffrey Faber's study of the Oxford Movement (a movement Paddy Kitchen gives a rather too breathless summary of as her introductory chapter), there was concealed in the High Church cause an epicurean philosophy that on inspection turns out to be a blend of aestheticism, Anglo-Catholicism, pederasty, and good breeding.

Walter Pater, connoisseur of male adolescent charm and the very fine fine arts, was Hopkins's tutor. Young men walked arm in arm in those pre-Freudian days, swore eternal friendship, and sighed wistfully that these times were not those of Alcibiades and Lysis. Their prep-school years had been one continual encounter with buggery and with sadistic caning that all too frequently was masochistically received. Paddy Kitchen sees the stain of Oxford sexual mores throughout Hopkins's poetry (in "The Bugler's First Communion," "The Loss of the *Eurydice*," and "Epithalamion"—Hopkins's Whitmanesque description of boys bathing in a pool).

But surely if ever an appetence was refined into purest essence, Hopkins's habitual awareness of the sexuality of man and nature is the most chaste we are likely to know. It is Hopkins's delineation of beauty that leads most of us to him in the first place. He wrote when words still had to serve science in its descriptions of nature. The photograph and halftone cut had not yet arrived to assist geologists like Hugh Miller and Agassiz. A generation of exact prose invented the discipline with which Hopkins described the textures and shapes of things. (A scholar might do worse for the next thesis on Hopkins than compare Miller's descriptions of fossil fish of the Old Red Sandstone, Ruskin's descriptions of flowers and rocks, and Agassiz's descriptions of tyrtle embryos with Hopkins's verbal precision—which, of course, has other instigations as well in scholasticism and in Greek poetry.)

This biography is not as informative as it might be as to the intellectual stores available to Hopkins. One would like to follow more closely his sweet mind from Victorian Oxford to his theological training with the Jesuits, and to have some assessment of his researches into Scotus and the Presocratics. He was, in every sense, extraordinary. It is chilling to be reminded that Joyce's Jesuits were, some of them, colleagues of Hopkins's in his last days in Dublin. What did Hopkins look like to the Jesuit who conducts the businessmen's retreat in Joyce's story "Grace"?

Once we have learned to be on our guard against Paddy Kitchen's style (she says "vulnerable" when she means "susceptible" and "as" when she

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means "while," and she is apt to introduce Jungian jargon), we can appreciate the goodness of this biography. It is tersely narrated, and packs in a wealth of details about Hopkins's uneventful outward life. It is charming to know that Hopkins helped direct a Jesuit performance of "Macbeth" in which, for propriety's sake, Lady Macbeth becomes Uncle Donald, and that a sermon of Hopkins's was so ludicrous that it was drowned out by the laughter of fellow seminarians. (Hopkins had thought he could make sacred geography imaginable by comparing the Sea of Galilee to a left ear. He then located Nazareth by saying that it would be near the corresponding nose, the Jordan would run down through the hair of the head, and so on.) We learn that Hopkins was batted out of a Jesuit spelling bee, an American contest that had become all the rage in Europe, by the word "allegiance." It is interesting to know that he had socialist hopes for the future, that he knew the Yeats family in Dublin, that he admired Whitman while thinking him depraved, that he did not like Browning, that he met John Tyndall, the evolutionist, on a walking tour of Switzerland, that he tried his hand at composing music.

He was still young when the filthy drinking water of Dublin did him in: typhoid. His last years were his most trying. He was at the peak of his creativity, he had hopes of contributing to the scholarship of Greek prosody, and all his time was claimed by a somnambulism of classroom drill and paper grading. His sensitive nature had suffered in ministering to parishes in Liverpool, London, and Glasgow. Drunkenness and poverty distressed him to behold. He was not an effective preacher. Except for a short, golden period at Oxford, his ministry was the trial of his soul as he knew it would be when he took his vows. But Dublin seemed to be the sum of all that he found most uncongenial. It was drunken, inert, and poor; and the university was a treadmill.

At his funeral there was no one to suspect that the obscure professor of Greek interred at Glasnevin Cemetery (where fifteen years later an imaginary mourner named Leopold Bloom would opine that priestly mumbo-jumbo alleviates grief, as it is a kind of poetry) would be recognized in the next century as one of the greatest of English poets. "I am so happy," were his last words.

FILM

***QUINTET*, directed by Robert Altman.**

Abominable snowpeople

STEPHEN HARVEY

WHEN A DIRECTOR starts making noises to the effect that the locale of his film could be any place at any time, you can pretty safely draw two conclusions—first, that the film's real setting is Nowhere at all, and second, that its creator is heading straight for a little dot on the map marked Trouble. This is what Robert Altman is up against with *Quintet*, a movie about a game in which everyone loses—and I'm not just referring to the on-screen players, either. Banal and purposeless as it is, the most depressing thing about *Quintet* is that it was such a predictably wrong move for Altman to make, considering the direction his career has been taking lately. As with so many card-carrying *auteurs* before him who've had the freedom to opt for self-expression while being sheltered from the pressures of the marketplace, Altman is dipping into the shallow well of his own imagination a few times too often. Approaches and attitudes that once had the force of inspiration have become idiosyncratic formulas, no less confining for the fact that they were devised by Altman himself rather than by some production executive in the Black Tower at MCA-Universal.

It's been sad enough witnessing his penchant for microcosmic satire (*M*A*S*H, Nashville, McCabe and Mrs. Miller*) decline into rigidly snide

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shtick (*Buffalo Bill and the Indians, A Wedding*). How much more dispiriting it is to watch someone as gifted as Altman is, futilely lacquering the kind of cinematic Chinese boxes that were never his forte in the first place. *Quintet* falls into the category of obscure would-be *chefs d'oeuvre* in which skimpy casts of characters shift identities with gloomy abandon while trying to unravel the tangled skeins of Illusion and Reality.

First came that murky prism *Images*, which Altman alone perversely claims to be one of his richest works. Then there was *Three Women*, compelling enough as long as it dwelled on the specifics of the weird kinship between Sissy Spacek and Shelley Duvall, only to collapse as soon as Altman panned to brooding, mystical Janice Rule and those Mayan-deco frescoes of hers. The subject of *Three Women* supposedly came to Altman in a dream—presumably one induced by an ill-advised nocturnal screening of Bergman's *Persona*. He hasn't said precisely what prompted *Quintet*, but someone seems to have been transcribing notes from his overworked subconscious again.

This time around, we are present at the twilight of a doomed civilization, inexorably caught in the grip of a new Ice Age. This benighted community isn't anything as parochial as an analogy for decadent America—its cultural references are much too eclectic, its implications all too universal for that. The few hardy inhabitants left are dubbed with flossy monickers like Ambrosia (Bibi Anderson), Goldstar (David Langton), Grigor (Fernando Rey), and St. Christopher (Vittorio Gassman); they speak English with a thick spread of contrasting accents, and dress in a style best defined as early Tibetan Renaissance. The place where they find scanty shelter from the pitiless elements resembles a provincial performing arts center abandoned by the contractor when the pipes froze halfway through construction—all poured concrete ramps and frosty, solitary light bulbs.

Naturally, their collective plight has put quite a damper on the spirits of everyone within this last bastion of mankind. Ambrosia, Goldstar, et al. are past remembering such human impulses as love, friendship, or even lust—the only interpersonal connections that are left are those "alliances" temporarily needed for survival. Still, a few diversions remain: Ministered to by St. Christopher, the destitute prostrate themselves in front of what looks suspiciously like the silver effigy of Richard Pryor's face from *The Whiz*, while the elite expend their waning energies on endless rounds of a portentous kind of Parcheesi called Quintet, a.k.a. The Game.

DESPITE THE TITLE, IT takes six people to play (one of Altman's minor imponderable ironies here); the rules of the game are much too complicated to fathom, but the gist of it is that the "sixth man" gets to "kill" the last surviving player. It turns out, however, that these ill-fated participants are playing for keeps: Quintet is a blueprint for homicide, a metaphor for the laws that govern Life and Death in a disintegrating world. All of which comes as a nasty surprise to Essex (Paul Newman), an interloper from the glacial steppes who decides to infiltrate this coven of creeps in the hopes of discovering who tossed the Molotov cocktail that inadvertently cost the life of his mate Vivia (Brigitte Fossey). You see, Essex had placed innocent, thumb-sucking Vivia in the hands of his brother for safekeeping, not realizing that his sibling was a top-seeded Quintet player, and next in line for—but why go on?

The real victim of the game of Quintet is none other than Altman himself.

Now, apocalyptic allegory is the stuff much science-fiction is made of, but the best craftsmen know enough not to take themselves too seriously. Their messages are just the spoonful of castor oil to be swallowed as penance for the guilty juvenile pleasures the genre has to offer. *Quintet*, however, is all dreary portent and no gratification. Both visually and thematically, Altman doesn't develop any of his ideas beyond the initial premise—he just reiterates them. It's as though he felt the slightest tinge of liveliness—much less humor—might compromise the film's weighty intent. Everything has been achingly underscored via innumerable closeups of Newman's icy blue eyes glinting with fear and confusion, medium shots of the hunter of the moment doggedly mushing up ramps and down hallways in search of his/her quarry, and long shots of rapacious canines tearing at the remains of victims of the cold and the bloodlust of their fellow man. Altman's ploddingly literal treatment only reveals how silly the basic concept is anyway.

Even those whose tolerance for lofty symbolism is higher than mine would have to find this "Life is a board game with no rules save survival" routine a little too precious to sustain an entire movie; the chess game with Death in *The Seventh Seal* was a wry conceit, to be sure, but at least Bergman knew better than to press his luck by focusing all his energies on that one morbid visual joke.

The dialogue that illuminates all this is as cheerless as the glacial wind soughing through the set, but the unintentional hilarity of much of it provides some perverse compensation. The combination of the script and the international cast Altman has assembled to perform it resembles nothing so much as a willful act of self-sabotage. Any performer would have trouble making something meaningful out of the blasé aphorisms provided by Altman and his cowriters, Frank Barhydt and Patricia Resnick, but the task is positively Herculean for those actors having only a passing familiarity with the language. (According to Altman, the cast was selected to emphasize the vagueness of the locale; it would have saved both the cast and the audience a lot of embarrassment if he had translated the script into Esperanto.)

This is probably the first Altman picture ever without even one interesting piece of acting; Fernando Rey is the most mortifying case, since his English is the shakiest, yet cast as *Quintet*'s referee and rulekeeper, he's saddled with most of the mournful platitudes. The best that can be said for the rest is that Gassman in his black garb has the bearing of a Venetian doge, and Newman is awfully dashing in his furry white parka.

With the exception of *M*A*S*H*, Altman has never made a film that

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reached a truly wide audience, and for understandable reasons: His best work as well as his worst has always been too oblique and emotionally distanced to appeal to the millions. However, *Quintet* seems purposefully designed to alienate all but the most fanatical acolytes in the Altman cult—a case of self-expression that has degenerated into complete self-indulgence. Altman is still obviously capable of first-rate work. It may be time, however, for him to seek inspiration beyond his own preoccupations, in some property outside his usual sphere, scripted by someone with an independent will and an identity stronger than that of Stenographer to the Muse. For the time being, it's clear that the real victim of the game of Quintet is none other than Altman himself.

OUT AND AROUND

Murder by Decree—A pleasantly second-rate Sherlock Holmes entry, featuring some witty idiosyncratic writing by John Hopkins encased in a plot that culminates in a diatribe against, of all things, the Freemasons. Doctrinaire Baker Street Irregulars will be pleased to learn that this is anything but a revisionist Holmes—there's not the remotest suggestion of cocaine secreted in the medicine chest or boys lurking in the armoire. Christopher Plummer and James Mason deliver a relaxed duo turn as Holmes and Watson, and there's a very touching cameo by Geneviève Bujold, the most efficient heart-tugger in pictures.

Agatha—More classy mayhem, this time fictionalized conjecture concerning what might have happened during Agatha Christie's brief real-life disappearance in the midtwenties. The theory the scripters came up with is devious and intricate enough to placate any Christie fan, until they spoil everything with a perfunctory romantic idyll between Christie (Vanessa Redgrave) and a gadabout American reporter (Dustin Hoffman). For all the on-screen japes about their obvious Mutt and Jeff disparities, there's no getting around the fact that the chemistry between these two stars never rises above the inert stage. Moreover, they're continually being upstaged by all those *soigné* period trappings—there never was such a movie for cloche hats and light streaming through gauzy curtains. Still, in the genteel diversion department it's a better than passable way to while away a rainy afternoon.

The Promise—This is about as close as we're ever likely to get to an undiluted Harlequin romance on celluloid, for which Heaven be praised. The plot (and a powerful lot there is of it, furiously crammed into a fast ninety minutes) is Rich Boy (Stephen Collins) meets Poor Girl (Kathleen Quinlan), loses her when she's horribly disfigured in a car wreck, and gets her again after she's hidden behind a reconstructed face and new identity financed by his meddlesome momma (Beatrice Straight). *The Promise* is the kind of movie in which the characters' deep inner motivations are tipped off by their fashion accessories—you just know that Straight is up to no good when she starts smoking furiously through a long cigarette holder, while Quinlan's brittle disillusionment with the world is revealed by the fact that she sports two contrasting shades of eye shadow at the same time. It's all too inept and gaseous to get very exercised about; the real side-effect of a movie like *The Promise* is a belch and a belly-laugh, rather than nausea. ❑

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LETTERS

The price of SALT

THE EDITORIAL "DON'T BUY SALT" [*INQUIRY*, Dec. 25, 1978] is a tragic example of confused thinking heated to the boiling point by frustration and resentment.

What the editor is saying in part is this: "Don't accept SALT because Carter has paid too high a price for it." Consider, as an analogy, the wife who has watched her husband pay a used-car dealer a nonrefundable sum of money that she considers far too high for the car her spouse has selected. "I know you can't get your money back," she tells him, "but leave the car here and we'll walk home. You paid too much for it to accept it."

It is clear from *INQUIRY*'s own account that Carter *has* paid the price, with no chance of getting the "money" back. So all of this is water over the dam. No amount of rhetoric will get it back. It is debatable whether, in this time of growing conservatism, Carter has paid too high a price to get a SALT treaty through the Senate. The anti-SALT hawks have had all the money and all the public attention. They have conducted a vast media campaign to try to convince the public that a SALT II treaty would be a plum awarded to Russia despite her aggressive behavior in Africa and the Middle East. Whether they have convinced the public is doubtful, for 75 percent of Americans by the latest poll still favor a SALT agreement. They seem to have made better headway with the senators, however, and the U.S. Senate is the bottom line.

In any case, the price having been irreparably paid, the question now is, should we support an imperfect SALT II treaty or surrender to the anti-SALT hawks who are certainly trying their best to destroy it?

NORMAN E. HUNT
Executive Director
Arms Reversal Program
Arlington, Va.

Mr. Hunt's analogy is incorrect. We haven't paid the price for SALT—yet. We haven't paid for the new bomber the air force wants; a final decision hasn't yet been made on the MX; the neutron warhead hasn't been deployed. It's not too late to try to stop them, and we think that antiwar groups who spend their time and energy on doing so are performing a far more valuable service than the groups that are touting a treaty that will not prevent the development and deployment of such instruments of horror.

Nevertheless, we agree that a Senate vote against the SALT treaty would be a terrible blow to the cause of peace. Whatever its merits as a form of arms control, the SALT treaty is a central symbol in the delicate process of easing tensions between the two great superpowers. If the Senate rejects the treaty, all of the efforts of the last ten years to build détente could very well be destroyed, leaving us in a situation more dangerous than any we have faced in the nuclear era.

Still, we believe that it would be a mistake for individuals and groups who support disarmament to throw their uncritical support behind the Carter administration's campaign to ratify SALT. The White House doesn't need the help of peace groups, but the cause of peace can't do without them. And there will never be real progress toward a safer and saner world until more Americans understand that SALT treaties won't stop the arms race and that the price Carter is willing to pay for this treaty makes a mockery of all he says he stands for.—EDITORS

Jonestown jeremiad

REGARDING THOMAS SZASZ and his (anti-psycho-)analysis of the Reverend Jim Jones [*INQUIRY*, Feb. 5, 1979], I find his conclusion that Jones was simply "evil"—period—both simple-minded and quaintly Victorian. Exercising one's indignation is, of course, good for one's digestion, as well as for one's mental health, and it is refreshing to read a good jeremiad for a change instead of the instant pop psychology that invariably inundates the media whenever murder makes the headlines.

But was the Jonestown tragedy simply the work of one wicked man? Who were the monsters in his entourage who actually carried out his (assumed) orders? Szasz merely muddies the moral waters by stating that "these butchers hated the open society and 'fled' their homeland to settle in a socialist country." Such non sequiturs are as absurd as Szasz's attempt to "prove" Jones was evil by pointing to his sexual habits and his alleged claim that "he was Jesus and could cure cancer." (Was Jones simply a combination kook-quack-con man with an inordinate sexual appetite—a kind of American Rasputin?)

Szasz makes no attempt to understand the reasons why hundreds followed this paranoid pied piper to their deaths in Guyana. And his invidious distinction between our "open society" and "a socialist country" strikes one as a sick attempt to whitewash the porno-plagued, pimp-infested, drug-crazed American subculture from which those wretched people fled. How does Szasz explain the actions of those who have opted to stay in this great open society of ours and commit fiendish atrocities—men such as Berkowitz, Manson, Gacy, etc. ad infinitum and ad nauseam?

TOM FIDDICK
Evansville, Ind.

A preemptive judgment

IF I UNDERSTAND THOMAS Szasz's ideas on Jim Jones correctly [*INQUIRY*, Feb. 5, 1979], he is arguing that the man was evil even before the Guyana deaths and that perceptive observers could have read the signs early on, in spite of Jones's progressive rhetoric.

I can't help wondering what application the structure of Szasz's argument might have to U.S. politics. Willingness to engage in thermonuclear holocaust is so deeply embedded in American policy as to be scarcely an issue, even on the political fringes. Given the expressed willingness and the expensively developed capability of the United States along these lines, can one pass some sort of moral judgment in advance, on the basis of the mega-Jonestown that has been prepared for but hasn't yet occurred?

PAUL SCHAFFER
New York, N.Y.

Correction

We regret that in Tom Hazlett's "A case of coastal piracy" [INQUIRY, March 19, 1979], Don Neuwirth was identified as a member of the State Coastal Commission. He is actually on the commission's staff.

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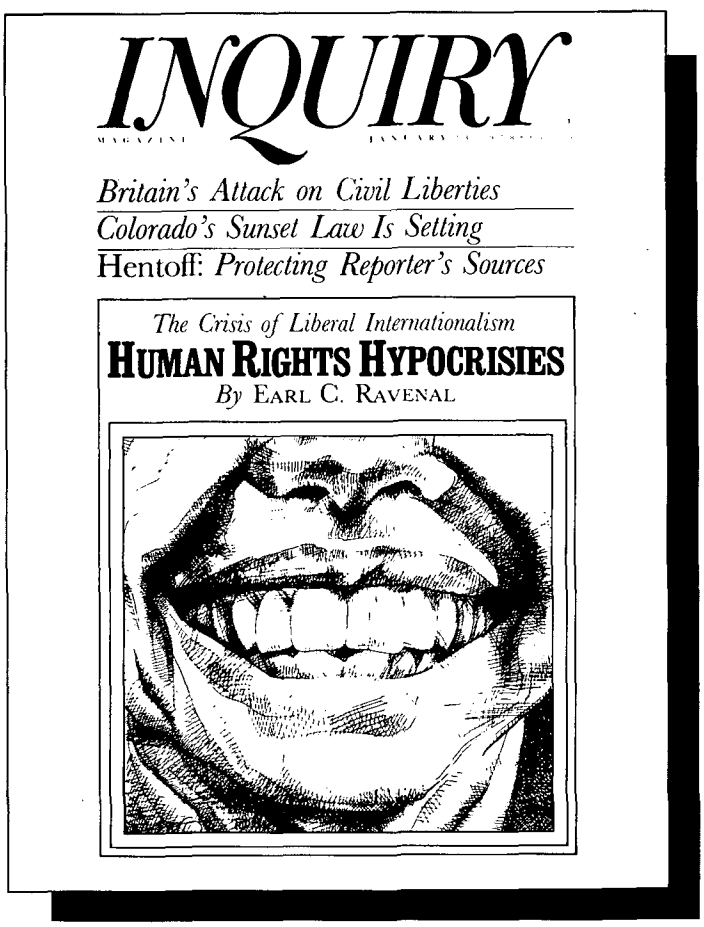

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